

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**LATOYA BROWN; LAWRENCE BLACKMON
HERBERT ANTHONY GREEN; KHADAFY MANNING;
QUINETTA MANNING; MARVIN MCFIELD; NICHOLAS
SINGLETON; STEVEN SMITH; BESSIE THOMAS; and
BETTY JEAN WILLIAMS TUCKER, individually and on
behalf of a class of all other similarly situated,**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:17-cv-347 WHB LRA

**MADISON COUNTY, MISSISSIPPI; SHERIFF
RANDALL C. TUCKER, in his official capacity; and
MADISON COUNTY SHERIFF'S DEPUTIES JOHN
DOES #1 through #6, in their individual capacities,**

DEFENDANTS

**REVISED MEMORANDUM IN SUPPORT OF [DKT. #209] MOTION BY
DEFENDANTS FOR SUMMARY JUDGMENT AS TO INDIVIDUAL
AND CLASS BASED CLAIMS BY PLAINTIFF, LATOYA BROWN**

COME NOW Defendants, Madison County, Mississippi, and Sheriff Randall C. Tucker, in his official capacity, by and through counsel, and respectfully submit the following Memorandum in Support of their Motion for Summary Judgment as to Individual and Class Based Claims by Plaintiff, Latoya Brown.

INTRODUCTION

The instant class-action lawsuit was filed on May 8, 2017, by ten plaintiffs. The Complaint is 86 pages long and contains 337 paragraphs. Brown claims violations of her Fourth and Fourteenth Amendment rights by personnel of the Madison County Sheriff's Department ("MCSD") under 42 U.S.C. §1983 and intentional racial discrimination under Title VI of the Civil Rights Act of 1964. She sues on behalf of herself and a purported class of individuals she defines as:

People who (1) are, or who appear to be, Black and those in their company, and (2) were, are, or will be in Madison County, and (3) were, are, or will be, subject to the MCSD's policy, custom, and/or practice of systematically executing unreasonable searches and seizures of person, homes, cars, and property on the basis of race."

Brown seeks only injunctive and declaratory relief from Defendants. (#1, Pgs. 82-85).

STATEMENT OF THE FACTS

Before filing her lawsuit, Brown lived in Canton Estates, an apartment complex located in Madison County, for approximately three and one-half years with Plaintiff, Steven Smith.¹ Brown and Smith moved to Columbus, Georgia in July 2017 to provide a better life for Brown's children.² Brown now works for a chicken processing plant located in Alabama. She has enrolled her nine-year old daughter in a Georgia school and has applied for a Georgia driver's license.³

While living in Canton Estates, Brown recalls three times she asked the MCSD for help. Once, she reported that Smith had taken her PlayStation and choked her. MCSD deputies came to the scene and spoke with her about her options for charging Smith.⁴ She also reported that individuals were gambling near her apartment. MCSD deputies responded to her call and began patrolling in the complex.⁵ Finally, she reported hearing gun shots in the complex. MCSD deputies responded, found a shotgun in the grass near her apartment, and patrolled the complex.⁶

¹ Exhibit A, Pg. 12:3-4.

² Exhibit A, Pg. 9:6-8; Pg. 11:20-21; Pg. 12:13-17.

³ Exhibit A, Pg. 9:18-25; Pg. 10:1-4.

⁴ Exhibit A, Pg. 27:8-25; Pg. 28:1-8.

⁵ Exhibit A, Pg. 30:4-25; Pg. 31:1-16.

⁶ Exhibit A, Pg. 31:17-25; Pg. 32:1-25; Pg. 33:1-8.

Brown testified during her deposition that she appreciated the deputies' response each time she called,⁷ and expressed no problems with MCSD deputies patrolling Canton Estates.⁸

Brown testified that she believed most roadblocks or checkpoints conducted by the MCSD occurred in Black areas rather than White areas of Madison County. She bases this belief on the fact that she had observed five checkpoints in her predominately Black neighborhood while she lived in Canton Estates and one checkpoint on a highway on which, in her opinion, Blacks travel in order to go to work.⁹

Brown testified that she filed her lawsuit to get "better policing" by the MCSD regarding "excessive roadblocks," "warrantless searches," and "pedestrian stops."¹⁰ She described her experiences with each of these policing activities as follows:

A. Roadblocks or Safety Checkpoints

Brown has never applied for a Mississippi driver's license and, as a result, received two tickets for having no license while driving through two MCSD safety checkpoints.¹¹ She has traveled through three MCSD checkpoints as a passenger and been asked to provide her identification.¹² She testified that she complied with each request and, afterwards, was either told to "go away,"¹³ was "let go"¹⁴ or was allowed to walk home after the driver of the car in which she was a passenger was ticketed for not having a license.¹⁵ She received no tickets, was not searched, and was not arrested during any of these checkpoints.

⁷ Exhibit A, Pg. 28:5-8; Pg. 31:14-16; Pg. 33:7-8.

⁸ Exhibit A, Pg. 52:10-12, 20-25; Pg. 53:1.

⁹ Exhibit A, Pg. 79:23-25; Pg. 80-84:1-18.

¹⁰ Exhibit A, Pg. 43:13-25.

¹¹ Exhibit A, Pg. 10:20-25; Pg. 11:1-7; Pg. 18:14-16; Pg. 45:7-25; Pg. 46.

¹² Exhibit A, Pg. 49; Pg. 50:1-16.

¹³ Exhibit A, Pg. 49:10-13.

¹⁴ Exhibit A, *Id.*

B. Warrantless Searches

Brown claims that MCSD deputies conducted a “warrantless search” of her apartment on Halloween Night, 2015 soon after a birthday party she had given for her young nephew. She recalls the deputies’ knocking on her apartment door and telling Smith that they were looking for a missing child whose mother lived in the apartment complex. Brown testified that the deputies entered her apartment, looked in closets, shined their flashlights in her youngest child’s face, and left to search the remaining apartments in her building, walking up and down the stairs and going door to door.¹⁶

C. Pedestrian Stops or Checkpoints

1. Pedestrian Stops

Brown describes two incidents when she was approached by MCSD deputies performing foot patrols in Canton Estates and asked to show her identification. One incident occurred while she was standing in the bed of her step-father’s pickup truck. The other occurred around 11:00 p.m. while she was walking to the entrance of Canton Estates to meet a ride to take her to work.¹⁷ Brown did not refuse the deputies’ request and confirmed in her deposition that nothing else occurred during either of these incidents after the deputies checked her identification with dispatch.¹⁸ She also admits that neither of these incident occurred because of her race.¹⁹

2. Pedestrian Checkpoints

Brown testified that she had walked through two MCSD vehicle safety checkpoints while living in Canton Estates.²⁰ At the first checkpoint, she did not have her identification

¹⁵ Exhibit A, Pg. 50:1-8.

¹⁶ Exhibit A, Pg. 54:13-25; Pg. 55; Pg. 56:1-17.

¹⁷ Exhibit A, Pg. 53:9-25; Pg. 54:1-12; Pg. 50:17-25; Pg. 51:1-25.

¹⁸ Exhibit A, Pg. 51; Pg. 54:7-12.

¹⁹ Exhibit A, Pg. 56:21-25; Pg. 57:17-19.

information, but gave the deputy her Social Security number, and was then allowed walked through. At the second checkpoint, she showed the deputy her identification, heard him check her identification on his walkie-talkie, and then was allowed to walk through.²¹ When asked why she thought Blacks were treated differently than Whites in Madison County, Brown limited her testimony to MCSD checkpoints,²² and claimed that most of the checkpoints she had seen were set up in Black area.²³

ARGUMENT AND AUTHORITIES

The party moving for summary judgment bears the responsibility of providing the court with the basis of its motion and identifying the portions of the record in the case that establish the absence of a genuine issue of material fact. *Celotex Corporation v. Catrett*, 477 U.S. 317, 323 (1986). Once the moving party has properly supported his motion for summary judgment, the non-moving party must respond by setting forth “specific facts showing that there is a genuine issue for trial.” *Id.* at 324; *see also United Steel Workers, Etc. v. University of Alabama*, 599 F.2d 56 (5th Cir.1979). “The moving party bears the initial burden of showing that there is no genuine issue for trial; it may do so by pointing out the absence of evidence supporting the nonmoving party’s case.” *Duffy v. Leading Edge Products, Inc.*, 44 F.3d 308, 312 (5th Cir. 1995) (citation omitted) (internal quotations omitted). If the moving party meets its burden, “the nonmoving party who will have the burden of proof at trial must come forward with summary judgment evidence establishing the existence of a genuine issue; that evidence must be such that if introduced at trial it would suffice to prevent a directed verdict against the nonmovant.” *Id.*

²⁰ Exhibit A, Pg. 74:19-25; Pg. 75; Pg. 76; Pg. 77:23-25; Pg. 78; Pg. 79:1-13.

²¹ Exhibit A, Pg. 75:10-25; Pg. 76:1-9.

²² Exhibit A, Pg. 82:7-12.

²³ Exhibit A, Pg. 79:23-25; Pg. 80:1-8.

Brown's claims must be dismissed for two separate reasons. First, there is no evidence Sheriff Tucker has ever deprived her of any federal rights. Second, even if she could prove violations in the past, there is no likelihood she will be subjected to similar violations in the future, rendering injunctive relief unavailable.

A. Brown Cannot Establish That She Has Been Subjected to Intentional Racial Discrimination.

Although Brown in her testimony describes a series of encounters with the MCSD, the heart of her complaint is not a succession of incidents, but a supposed policy of racial discrimination. The very first paragraph of her complaint alleges that the MCSD “implements a **coordinated top-down program** of methodically targeting Black individuals for suspicionless searches and seizures while they are driving their cars, walking in their neighborhoods, or even just spending time in their own homes (the “Policing Program”).” [Dkt. #1 ¶ 1 (emphasis in original)]. This claim of intentional racial discrimination is the only basis in her complaint for her request to represent a class, describing the common issue as “whether the MCSD has a policy, practice, and/or custom of targeting members of the Class for unreasonable searches and seizures on the basis of race in violation of the Fourth Amendment and the Equal Protection Clause of the Fourteenth Amendment.” [Dkt. #1 ¶ 304]. To obtain the only relief she seeks, which is on behalf of the class, Brown must prove, not merely a violation of her rights, but the existence of the “Policing Program” that she alleged.

She asserts her claims of intentional racial discrimination in the second and third causes of action of her complaint. The second cause of action seeks relief under 42 U.S.C. § 1983 for violations of the Equal Protection Clause, which, of course, requires proof of intentional racial discrimination. *Coleman v. Houston Independent School District*, 113 F.3d 528, 533 (5th Cir. 1997) (citations omitted). *See also Vera v. Tue*, 73 F.3d 604, 609 (5th Cir.1996) (“Proof of

racially discriminatory intent or purpose is required to show a violation of the Equal Protection Clause.”) Her third cause of action seeks relief under Title VI, 42 U.S.C. § 2000(d) *et seq.*, under which Brown, as a private party, must prove race discrimination by an entity that receives federal funds. *Alexander v. Sandoval*, 532 U.S. 276, 280 (2001). She cannot succeed with this claim simply by proving disparate impact. *Id.* Further, both the United States Supreme Court and the Fifth Circuit Court of Appeals have held that a private right of action under Title VI can only be brought for acts of intentional discrimination. *Id.* at 281 (“What we said in *Alexander v. Choate*, 469 U.S. 287, 293 (1985), is true today, ‘Title VI itself directly reaches only instances of intentional discrimination.’”

The only racial discrimination claim Brown describes in her deposition involves the MCSD’s conducting roadblocks or checkpoints in predominately Black neighborhoods.²⁴ She bases this claim solely on her observing checkpoints during the three and one-half years she lived in Canton Estates. She saw five of these checkpoints while walking through her neighborhood, which is a predominately Black neighborhood, and one checkpoint set up on a highway on which, in her opinion, Blacks travel in order to go to work. Brown’s allegation is actually nothing more than an assertion that the roadblocks she questions were racially motivated because they were in predominately Black areas. She in no way offers any evidence that Black areas were intentionally targeted.

This unreliable and sparse evidence is insufficient to support Brown’s claims of a “Policing Program” of intentional racial discrimination by the MCSD throughout all of Madison

²⁴ Although Brown claimed in both her complaint [Dkt. #1 ¶ 4] and during her deposition that the MCSD has a policy of targeting only Black neighborhoods while conducting checkpoints, she does not include this policy while identifying and describing all MCSD policies she claims sanction or encourage “unreasonable searches and seizures or racial discrimination” while supplementing her responses to an interrogatory inquiring about these policies. Therefore, it appears that she has abandoned this claim. (Exhibit B, Pgs. 3-6).

County. “A plaintiff’s subjective belief of race discrimination cannot alone establish that he has been a victim of intentional discrimination.” *Laborde v. City of Houston*, 31 F. App’x 151 (5th Cir. 2001) (citing *Ray v. Tandem Computers, Inc.*, 63 F.3d 429, 434- 435 (5th Cir. 1995)). *See also Nichols v. Grocer*, 138 F.3d 563, 570 (5th Cir. 1998) (“[A] subjective belief of discrimination, however genuine, [cannot] be the basis of judicial relief.”). What Brown offers is her subjective belief that MCSD checkpoints are set up with the aim of intentionally discriminating against Blacks. Without more, Brown cannot establish that MCSD checkpoints are placed or operate in such a manner as to intentionally discriminate against Blacks. *See Douglass v. United Services Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (“In short, conclusory allegations, speculation, and unsubstantiated assertions are inadequate to satisfy the nonmovant’s burden.”) (en banc). Brown’s second and third causes of action, therefore, should be dismissed.

B. Brown Cannot Create Genuine Issues of Material Fact Regarding Any Element of her Fourth Amendment Claims under 42 U.S.C. §1983.

To hold Madison County liable to her under §1983 in her first cause of action, Brown must allege and establish two threshold elements: (1) that she was deprived of a right or interest secured by the Constitution and laws of the United States, and (2) that the deprivation occurred under color of state law. *See West v. Atkins*, 487 U.S. 42, 48 (1988) (citing *Parratt v. Taylor*, 451 U.S. 527, 535 (1981)), *overruled in part on other grounds, Daniels v. Williams*, 474 U.S. 327, 331-32 (1986). Defendants submit that Brown cannot satisfy the first element of this test because no act by any MCSD personnel violated her constitutional rights.²⁵

²⁵ In addition, to secure relief against the County and Sheriff Tucker in his official capacity, Brown “must demonstrate a policy or custom which caused the alleged violation.” *Brooks v. George County*, 84 F.3d 157, 165 (5th Cir.), *cert. denied*, 519 U.S. 948 (1996). No evidence of any such policy exists, but the Court need not reach that issue, because no evidence of any violation of constitutional rights exists.

Brown's §1983 claims against Defendants arise out of the following events: (1) three safety checkpoints conducted by the MCSD where Brown was asked to show her identification as a passenger in a vehicle; (2) an alleged warrantless entry into her apartment by deputies looking for a missing child; (3) two instances where Brown was approached by MCSD deputies and asked for her identification while in the parking lot of her apartment complex; (4) and two vehicle safety checkpoints where Brown was asked for her identification while voluntarily walking through them. A review of the law applicable to these alleged constitutional violations shows that Brown has no §1983 claim against Defendants.

First, Brown suffered no constitutional violation when she was asked to show her identification while traveling through a MCSD checkpoint as a passenger. In *United States v. Wise*, 877 F.3d 209, 220 (5th Cir. 2017), the Court held that “a seizure does not occur simply because a police officer approaches an individual and asks a few questions.” (quoting *Florida v. Bostick*, 501 U.S. 429, 434 (1991)). The individual in *Wise* was a passenger on a bus who was approached by officers and consented to their request to show them his identification and to allow them to search his luggage. The Court held that “police do not need reasonable suspicion to approach someone for questioning;” instead, “[t]he encounter will not trigger Fourth Amendment scrutiny unless it loses its consensual nature.” (quoting *Bostick*, 501 U.S. at 434). The *Wise* court held that “an encounter with police is “consensual” so long as the civilian would feel free to either terminate the encounter or disregard the questioning.” *Id.* (citing *Bostick*, 501 U.S. at 434). Brown does not claim that she refused to show her identification to the officers at these checkpoints.²⁶ Therefore, any protection she held at the time under the Fourth Amendment was not triggered.

²⁶ Other courts have applied these principles to passengers in an automobile at a checkpoint where the stop was not unreasonably extended. *United States v. Slater*, 411 F.3d 1003, 1004-05 (8th Cir. 2005).

Second, it is undisputed that the circumstances surrounding the MCSD deputies' entry into Brown's apartment did not involve an investigation of any criminal activity, *i.e.*, they did not enter her apartment to arrest anyone or obtain evidence of a crime. Instead, Brown readily admits that the deputies immediately told her and Smith that they were searching for a missing child who lived at the apartment complex. She also admits that while in her apartment, the deputies only looked in areas where a child could hide and shined a flashlight in the face of Brown's child who apparently was near the missing girl's age. Finally, Brown acknowledges that the deputies were going door to door, walking up and down stairs of her building, and searching other apartments.

These circumstances described by Brown were clearly exigent ones that did not require the MCSD deputies to obtain search warrant. As recognized by the Court in *Mincey v. Arizona*, 437 U.S. 385, 394 (1978), officers may enter a home if "the exigencies of the situation make the needs of law enforcement so compelling that the warrantless search is objectively reasonable under the Fourth Amendment. *Id.* As stated above, the deputies were not conducting a criminal investigation. Rather, they were searching for a missing child and wanted to return her to her mother. Because probable cause was not an issue during their search, their entry into Brown's apartment was not a violation of her Fourth Amendment rights. *See, e.g., U.S. v. Taylor*, 624 F.3d 626, 632-633 (4th Cir. 2010)(officers were not required to obtain a warrant before entering defendant's house with an abandoned four-year old girl to search for her parents); *see also Hunsberger v. Wood*, 570 F.3d 546 (4th Cir. 2009) (exigent circumstances allowed officers to enter a home at night to search for a teenage girl whose parents could not get her to answer her cell phone).

Third, the deputies who had two brief consensual encounters with Brown in her apartment complex parking lot did not violate her Fourth Amendment rights by asking her to show them her identification. The Fifth Circuit Court of Appeals has recognized three different “tiers of citizen-police contact for purposes of [F]ourth [A]mendment analysis:”

The first tier involves no coercion or detention and does not implicate the fourth amendment. The second tier, an investigatory stop, is a brief seizure that must be supported by reasonable suspicion . . . Finally, the third tier is a full scale arrest [which] must be supported by probable cause.

Lincoln v. Turner, 874 F.3d 833, 840 (5th Cir. 2017) (quoting *United States v. Massi*, 761 F.3d 512, 520 (5th Cir. 2014)). Brown’s encounter falls under the first tier, and, as a result, nothing the deputies did while speaking with her constituted a seizure under the Fourth Amendment. *See, e.g., U.S. v. Cooper*, 43 F.3d 140, 145 (5th 1995) (“[A] “consensual encounter,” during which an individual agrees to speak to officers, “may be initiated by the police without any objective level of suspicion” and is not a “seizure” under the Fourth Amendment).

The same holds true for Brown’s claim that she was asked to show her identification to officers while walking through two vehicle safety checkpoints. Brown obviously consented to walking through both checkpoints since she did not turn around and walk away. Further, the fact that she was asked to show her identification or provide her Social Security number at the checkpoint does not support a claim that she was “seized.” For a seizure to have occurred, Brown must have believed that she could not avoid the checkpoint by walking in another direction. *See, e.g., United States v. Mendenhall*, 446 U.S. 544, 554 (1980) (a seizure occurs only if “in view of all of the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave . . .”). Unlike someone driving a vehicle through a checkpoint, Brown’s person was not seized during the checkpoints in question because she was free to walk away. She did not testify that she was threatened by the presence of the officers at

the checkpoint, that any of the officers displayed a weapon, that the officers made any physical contact with her or that they used words threatening her with compliance. Without something to indicate that she was not free to walk away from the checkpoint, no seizure or a violation of Brown's Fourth Amendment rights occurred. *See, e.g., Terry v. Ohio*, 392 U.S. 1, 19, n. 16 (1968).

C. Brown Lacks Standing under Article III to Bring Her Own Claims for Injunctive and Declaratory Relief, as well as those of Her Purported Class Members.

The United States Supreme Court has recognized three requirements for Article III standing. First, “the plaintiff must have suffered an ‘injury in fact’ – an invasion of a legally protected interest that is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical. Second, there must be a causal connection between the injury and the conduct complained of Third, it must be likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.” *United States v. Hays*, 515 U.S. 737, 742-43 (1995) (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-561 (1992)). Further, because Brown is seeking injunctive and declaratory relief, she must show that she is “likely to suffer future injury by the defendant and that the sought-after relief will prevent that future injury.” *James v. City of Dallas*, 254 F.3d 551, 563 (5th Cir. 2001) *cert. denied*, 534 U.S. 1113 (2002). “Past exposure to illegal conduct does not in itself show a present case or controversy regarding injunctive relief.” *City of Los Angeles v. Lyons*, 461 U.S. 95, 102 (1983) (quoting *O’Shea v. Littleton*, 414 U.S. 488, 495-96). Instead, a plaintiff seeking injunctive or declaratory relief “must allege facts from which it appears there is a substantial likelihood that he will suffer injury in the future” *i.e.*, a “‘substantial and continuing controversy’ between two adverse

parties” that is not “conjectural, hypothetical, or contingent” *Bauer v. Texas*, 341 F.3d 352, 358 (5th Cir. 2003).

Brown cannot satisfy any of these Article III standing requirements. She has no individual standing because she has not suffered a violation of her Fourth or Fourteenth Amendment rights. She has proven no private right to sue under Title VI. Finally, she cannot show that she is likely to suffer any injury in the future from any conduct by the MCSD since she no longer resides in Madison County or, for that matter, in the State of Mississippi. Without standing under Article III, Brown cannot “seek [injunctive] relief on behalf of . . . herself or any other member of the [purported] class.” *James*, 254 F.3d at 563 (citing *O’Shea*, 414 U.S. at 494). For these reasons, Brown lacks standing to pursue her claims or those of her purported class. Her individual claims should be dismissed with prejudice, and she should be disqualified from representing the class of individuals she seeks to represent in this matter.

CONCLUSION

For the reasons set forth above, all of Brown’s claims against Defendants should be dismissed with prejudice.

This the 14th day of March, 2018.

Respectfully submitted:

**MADISON COUNTY, MISSISSIPPI and
SHERIFF RANDALL C. TUCKER, IN
HIS OFFICIAL CAPACITY**

By: /s/ Rebecca B. Cowan
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CERTIFICATE OF SERVICE

I, Rebecca B. Cowan, do hereby certify that I have this day, electronically filed the above and foregoing with the Clerk of the Court using the ECF system which will automatically provide e-mail notification of said filing upon the following:

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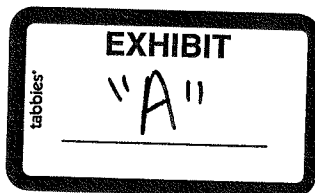
/s/ Rebecca B. Cowan

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<p>1 APPEARANCES: 2 3 MIKE WALLACE, ESQ. 4 Wise, Carter, Child & Caraway 5 Post Office Box 651 6 Jackson, Mississippi 39205-0651 7 COUNSEL FOR THE DEFENDANTS 8 9 REBECCA B. COWAN, ESQ. 10 Currie, Johnson & Myers 11 Post Office Box 750 12 Jackson, Mississippi 39205-0750 13 bcowan@curriejohnson.com 14 15 COUNSEL FOR THE DEFENDANTS 16 17 J. LAWSON HESTER, ESQ. 18 Pettis, Barfield & Hester 19 Post Office Box 16089 20 Jackson, Mississippi 39236-6089 21 lhester@pbhfirm.com 22 COUNSEL FOR THE DEFENDANTS 23 24 Isaac Rethy, Esq. 25 Simpson Thacher & Bartlett 425 Lexington Avenue New York, New York 10017 Irethy@stblaw.com COUNSEL FOR THE PLAINTIFFS BROOKE JARRETT, ESQ. JOSHUA TOM, ESQ. American Civil Liberties Union of Mississippi Foundation 233 East Capitol Street Jackson, Mississippi 39201 jtom@aclu-ms.org COUNSEL FOR THE PLAINTIFFS</p>	<p>1 TABLE OF CONTENTS 2 Title Page.....1 3 Appearance Page.....2 4 Table of Contents.....4 5 Exhibits.....5 6 Stipulation.....6 7 Examination by Ms. Cowan.....7 8 Examination by Ms. Jarrett.....74 9 Examination by Ms. Cowan.....77 10 Certificate of Reporter.....86 11 Certificate of Deponent.....87 12 Errata Sheets.....88 13 14 15 16 17 18 19 20 21 22 23 24 25</p>



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<p style="text-align: right;">Page 5</p> <p style="text-align: center;">EXHIBITS</p> <p>1 No Exhibits Marked.....</p> <p>2</p> <p>3 - - -</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 7</p> <p>1 LATOYA BROWN,</p> <p>2 (After having been first duly sworn,</p> <p>3 testified as follows:)</p> <p>4 - - -</p> <p>5 (DIRECT EXAMINATION)</p> <p>6 BY MS. COWAN:</p> <p>7 Q. Ms. Brown, I've introduced myself.</p> <p>8 I'm Becky Cowan. I'm one of the attorneys</p> <p>9 for the defendants. And I also have Lawson</p> <p>10 Hester and I believe Mr. Mike Wallace is</p> <p>11 going to be coming in pretty soon. This is</p> <p>12 Chief Deputy Jeremy Williams.</p> <p>13 A. Mm-hmm (affirmative response).</p> <p>14 Q. Have you ever given a deposition</p> <p>15 before?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Okay. This -- I'm going to be</p> <p>18 asking you some questions and you've been</p> <p>19 placed under oath. So I want to make sure</p> <p>20 that when I ask a question, that you</p> <p>21 understand the question and answer it so that</p> <p>22 I can be assured that the answer you gave me</p> <p>23 was the correct answer. So if you don't</p> <p>24 understand some of my questions, just tell me</p> <p>25 you don't understand them.</p>
<p style="text-align: right;">Page 6</p> <p style="text-align: center;">STIPULATION</p> <p>1 It is hereby stipulated and agreed by and</p> <p>2 between the parties hereto, through their respective</p> <p>3 attorneys of record, that this deposition may be taken</p> <p>4 at the time and place hereinbefore set forth, by Tammy</p> <p>5 McDaniel-Bagnato, Court Reporter and Notary Public.</p> <p>6 The formality of READING AND SIGNING is</p> <p>7 specifically NOT WAIVED.</p> <p>8 - - -</p> <p>9</p> <p>10 (PAGE 84 LINE 24 THROUGH PAGE 85 LINE 6)</p> <p>11 "MR. RETHY: We'll take both transcripts for</p> <p>12 two weeks to determine whether there's anything in here</p> <p>13 that warrants designating as confidential.</p> <p>14 MS. COWAN: On this one?</p> <p>15 MR. RETHY: On this one and on Mr. Smith's.</p> <p>16 I'm not trying to mark anything at this moment."</p> <p>17 - - -</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 8</p> <p>1 The court reporter is going to be</p> <p>2 putting all -- everything that everybody says</p> <p>3 down. So rather than going uh-huh</p> <p>4 (affirmative response) and uh-uh (negative</p> <p>5 response) or shaking your head or this way or</p> <p>6 that way, if you could say yes, no, or answer</p> <p>7 the question verbally.</p> <p>8 Your attorney may make some</p> <p>9 objections, but unless he tells you not to</p> <p>10 answer the question, I expect you to answer.</p> <p>11 Do you understand that?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Okay. And some of the</p> <p>14 questions that I'm going to ask you I have</p> <p>15 already asked Mr. Smith and I probably know</p> <p>16 the answers to but I'm going to go ahead and</p> <p>17 ask you too.</p> <p>18 A. Mm-hmm (affirmative response).</p> <p>19 Q. All right. Can you give me your</p> <p>20 full name?</p> <p>21 A. Latoya Brown.</p> <p>22 Q. Do you have a middle name?</p> <p>23 A. Yes. Lanae.</p> <p>24 Q. L?</p> <p>25 A. A-N-A-E.</p>

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<p style="text-align: right;">Page 9</p> <p>1 Q. Okay. And do you go by any 2 nickname? 3 A. Yes. Nae-Nae. 4 Q. N-A-E-N-A-E? 5 A. Yes. 6 Q. And are you currently living at [REDACTED] 7 [REDACTED] Columbus, Georgia? 8 A. Yes. 9 Q. And you're living with some friends? 10 A. Yes. 11 Q. Okay. Who are your friends that 12 you're living with? 13 A. They're Steven's relatives. 14 Steven's relatives. 15 Q. Okay. And I believe Mr. Smith said 16 that y'all were looking for a place to rent? 17 A. Yes. 18 Q. And you've enrolled your daughter, 19 8, 9 years old? 20 A. She'll be 9 in June. 21 Q. And you've enrolled her in the 22 school district? 23 A. Yes. 24 Q. And I believe he told me that both 25 of y'all have applied for Georgia driver's</p>	<p style="text-align: right;">Page 11</p> <p>1 A. No. 2 Q. When did you lose your Mississippi 3 license? 4 A. I never had them. 5 Q. You never had a Mississippi driver's 6 license? 7 A. No. 8 Q. Okay. And I believe before y'all 9 moved to Steven's friends or relatives house, 10 or is it a house or an apartment? 11 A. An apartment. 12 Q. You lived at 5521 North Cut Drive? 13 A. Mm-hmm (affirmative response). 14 Q. And was that someone -- say yes or 15 no. 16 A. Yes. 17 Q. Okay. And that was in College Park, 18 Georgia? 19 A. Yes. 20 Q. And you stayed there for two months? 21 A. Yes. 22 Q. And that was your brother and his 23 wife? 24 A. Yes, ma'am. 25 Q. And before that you lived at 388</p>
<p style="text-align: right;">Page 10</p> <p>1 license. Is that correct? 2 A. Yes. 3 Q. Have you received yours? 4 A. My permit. 5 Q. Permit, okay. Do you have to take a 6 test over there? Or do you just get a 7 license because you have one in another 8 state? 9 A. You have to take a test. 10 Q. Okay. Did you take the test? 11 A. No, they had switched my permit from 12 Mississippi to Georgia because I misplaced my 13 Mississippi permit. 14 Q. Okay. You misplaced your 15 Mississippi license? 16 A. Permit. 17 Q. Permit. 18 A. Yes, and they switched it over to 19 Georgia as a permit too. 20 Q. And they wouldn't just take your 21 license? 22 A. No, I didn't -- I didn't have any 23 license. 24 Q. You don't have a Mississippi 25 license?</p>	<p style="text-align: right;">Page 12</p> <p>1 Ricks Drive in Canton, Mississippi? 2 A. Yes, ma'am. 3 Q. And how long did you live there? 4 A. 3 1/2 years. 5 Q. And the lease that was signed with 6 the apartment complex, was it in your name? 7 A. Yes. 8 Q. So Steven's name was not on the 9 lease? 10 A. Yes. 11 Q. Both of your names were? 12 A. Yes, ma'am. 13 Q. And why did you move to Georgia? 14 A. To provide a better life for my 15 kids. 16 Q. Okay. And when did you move? 17 A. I moved to Georgia July 1st. 18 Q. July 1st. And what employment have 19 you held over there? 20 A. I worked at Subway and now I'm at 21 Alatrade Foods. 22 Q. Subway? 23 A. Mm-hmm (affirmative response). 24 Q. And then -- 25 A. Yes, ma'am.</p>

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1 Q. And is it --
2 A. Alatrade.
3 Q. A-L-A-T-R-A-D-E?
4 A. Yes, ma'am.
5 Q. And it's a chicken processing plant?
6 A. Yes, ma'am.
7 Q. Okay. And I believe Steven said
8 that you collect data on the kinds of cuts of
9 meat?
10 A. Yes. Data collector.
11 Q. Data collector. And when did you
12 get a job at Alatrade?
13 A. December 4th.
14 Q. And I believe that Mr. Smith has a
15 job there too?
16 A. Yes, ma'am.
17 Q. And did he get his job the same time
18 you got yours?
19 A. I started first.
20 Q. When did he start his job? Do you
21 remember?
22 A. The week after I did. I think it's
23 like the 10th.
24 Q. Of December?
25 A. Yes, ma'am.

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1 Q. And I believe you have two children?
2 A. Yes.
3 Q. And you have a two-year-old with Mr.
4 Smith?
5 A. Yes.
6 Q. And you have your soon to be
7 nine-year-old?
8 A. Yes.
9 Q. And who is, her name is [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 Q. And where did you grow up?
20 A. Canton.
21 Q. You grew up in Canton?
22 A. Yes.
23 Q. I asked you about your educational
24 background. 2005 to 2009 you went to Canton
25 High School?

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1 A. Yes.
2 Q. And then you got your GED in 2016?
3 A. Yes.
4 Q. And then you went to a little bit of
5 junior college. Tell me about that.
6 A. The junior college thing was the GED
7 program.
8 Q. Oh, okay. You didn't go to actual
9 associate --
10 A. No.
11 Q. -- college.
12 A. No, ma'am. It was Win Job Center --
13 Q. Okay.
14 A. -- Holmes Community College.
15 Q. Okay. Have you ever been married
16 before?
17 A. No, ma'am.
18 Q. And are your parents living?
19 A. Yes.
20 Q. Where do they live?
21 A. My mom lives on Walnut Street in
22 Canton and my dad lives at West Peace Street
23 in Canton.
24 Q. And Walnut Street, that's where your
25 mom lives?

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1 A. Walnut, yes.
2 Q. What's your mother's name?
3 A. Deborah Hawkins.
4 Q. Is she married?
5 A. No, ma'am.
6 Q. Does she work?
7 A. Yes.
8 Q. Where does she work?
9 A. Shelby Smith.
10 Q. Shelby Smith?
11 A. Mm-hmm (affirmative response).
12 Q. What is that?
13 A. She do housekeeping for him.
14 Q. Okay. What about your dad?
15 A. He works at PF Chang in Ridgeland.
16 Q. Okay. Eat there all the time. I
17 love it.
18 Q. Okay. When you got out of high
19 school, tell me what jobs you held
20 immediately out of high school?
21 A. None.
22 Q. None?
23 A. No.
24 Q. Is this the first job you have ever
25 had, the Alatrade job? I mean the Subway

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<p style="text-align: right;">Page 17</p> <p>1 job?</p> <p>2 A. No, ma'am. I --</p> <p>3 Q. Tell me what your first job was.</p> <p>4 A. Working housekeeping at LaQuinta Inn</p> <p>5 in Canton.</p> <p>6 Q. And when was that?</p> <p>7 A. That was in 2010.</p> <p>8 Q. 2010?</p> <p>9 A. Mm-hmm (affirmative response).</p> <p>10 Q. And how long did you work there?</p> <p>11 A. A year and a half.</p> <p>12 Q. And why did you leave?</p> <p>13 A. Not enough pay.</p> <p>14 Q. Where did you go after that?</p> <p>15 A. I went to Canton Manor in Canton.</p> <p>16 Q. And Mr. Smith testified that he</p> <p>17 worked there too. Were you there when he was</p> <p>18 working there?</p> <p>19 A. No.</p> <p>20 Q. In what year did you work at Canton</p> <p>21 Manor?</p> <p>22 A. 2012 to 2013.</p> <p>23 Q. Through '13?</p> <p>24 A. Mm-hmm (affirmative response).</p> <p>25 Q. How long? Was it a year?</p>	<p style="text-align: right;">Page 19</p> <p>1 Q. And who drove those cars?</p> <p>2 A. I did.</p> <p>3 Q. I believe your job now is in Phoenix</p> <p>4 City, Alabama, is that right?</p> <p>5 A. Yes.</p> <p>6 Q. And how far is that from where y'all</p> <p>7 are staying with Steven's relatives?</p> <p>8 A. About 15 to 20 minutes away.</p> <p>9 Q. But, as I understand, y'all plan to</p> <p>10 try and stay in Georgia?</p> <p>11 A. Yes.</p> <p>12 Q. Do you ever plan to come back this</p> <p>13 way?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. When do you plan to come back?</p> <p>16 A. In a couple of years from now.</p> <p>17 Q. And why would that be?</p> <p>18 A. Because I still have family here and</p> <p>19 I just plan on moving back home.</p> <p>20 Q. Have you told your present employer</p> <p>21 that, that you don't plan to work more than</p> <p>22 two years with him?</p> <p>23 A. No, I haven't told him.</p> <p>24 Q. Okay. Tell me, other than Canton</p> <p>25 Estates, prior to that, where did you live?</p>
<p style="text-align: right;">Page 18</p> <p>1 A. Yes.</p> <p>2 Q. Okay. What did you do?</p> <p>3 A. Laundry aide.</p> <p>4 Q. And why did you leave there?</p> <p>5 A. Transportation.</p> <p>6 Q. Did you have to rely on people to</p> <p>7 take you to your jobs?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. Who would take you to your jobs?</p> <p>10 A. My mom.</p> <p>11 Q. So did you receive a driver's permit</p> <p>12 in the State of Mississippi?</p> <p>13 A. Yes.</p> <p>14 Q. But, you never applied and got a</p> <p>15 license?</p> <p>16 A. No.</p> <p>17 Q. Do you own a car?</p> <p>18 A. No.</p> <p>19 Q. Have you ever owned a car?</p> <p>20 A. Yes.</p> <p>21 Q. When did you own a car?</p> <p>22 A. 2014 and 2015.</p> <p>23 Q. What kind of car did you own?</p> <p>24 A. I owned a Toyota Camry and a Nissan</p> <p>25 Altima.</p>	<p style="text-align: right;">Page 20</p> <p>1 A. With my mom on Walnut.</p> <p>2 Q. And is that in Canton?</p> <p>3 A. Yes.</p> <p>4 Q. Do you have any brothers and</p> <p>5 sisters?</p> <p>6 A. Yes, I have two brothers and two</p> <p>7 more sisters.</p> <p>8 Q. Two brothers and two sisters?</p> <p>9 A. Mm-hmm (affirmative response).</p> <p>10 Q. Tell me who your brothers are.</p> <p>11 A. Octavius Hawkins, [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 Q. [REDACTED] I don't hear very well, I'm</p> <p>14 sorry.</p> <p>15 A. That's all right.</p> <p>16 Q. I'm fighting not getting a hearing</p> <p>17 aide. Octavius, where does he live?</p> <p>18 A. He's doing in College Park --</p> <p>19 Q. Okay.</p> <p>20 A. -- Georgia.</p> <p>21 Q. All right. And [REDACTED] where does he</p> <p>22 live?</p> <p>23 A. With my mom on Walnut.</p> <p>24 Q. Does he have a job?</p> <p>25 A. No, he's 16.</p>

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<p style="text-align: right;">Page 21</p> <p>1 Q. All right. Tell me who your sisters 2 are. 3 A. Karlisha Hawkins, K-A-R-L-I-S-H-A. 4 Q. Okay. And where does she live? 5 A. [REDACTED] 6 Q. And who's the other sister? 7 A. Adrian Hawkins. 8 Q. Where does she live? 9 A. With my mom on Walnut Street. 10 Q. How old is she? 11 A. She's 25. 12 Q. Does she have a job? 13 A. Yes. 14 Q. What does she do? 15 A. She works at the DeBeukelaer Cookie 16 Plant. 17 Q. And other than Walnut Street with 18 your mom, have you lived anywhere else? 19 A. Yes, we was living in Canton Estate 20 before my mom moved to Walnut. I was living 21 in Canton Estate with my mom at first. 22 Q. With your mom? 23 A. Yes. 388 -- 24 Q. How long did you live in Canton 25 Estates with your mom before you moved to</p>	<p style="text-align: right;">Page 23</p> <p>1 when you were meeting with them? Just you? 2 A. Just me. 3 Q. Mr. Smith was not there? 4 A. No. 5 Q. Did your lawyer show you any kind of 6 documents? 7 A. Yes. 8 Q. What did they show you? 9 A. They showed me my interrogatories, 10 my complaints. 11 Q. Your complaint and your 12 interrogatory responses? 13 A. Mm-hmm (affirmative response). 14 Q. Do you recall -- we've gotten three 15 separate interrogatory responses from you. 16 Do you recall which ones they showed you? 17 A. No, ma'am, I can't recall. 18 Q. Did they show you more than one 19 version or one copy? 20 A. Yeah. 21 Q. How many did they show you? 22 A. I can recall two. 23 Q. Two? 24 A. Yeah. 25 Q. And they showed you the complaint?</p>
<p style="text-align: right;">Page 22</p> <p>1 Walnut Street? 2 A. Two and a half years. 3 Q. And what years would that have been? 4 A. It would have been 2008 and '09. 5 Q. And Walnut Street, you would have 6 lived there from 2009 to what? 7 A. 2010. 8 Q. Are you and Mr. Smith married? 9 A. No, ma'am. 10 Q. Are you engaged? 11 A. No, ma'am. 12 Q. Have you ever been engaged? 13 A. No, ma'am. 14 Q. Can you tell me what you did to get 15 ready for your deposition today? 16 A. I got a lot of sleep. 17 Q. Join the club. I did too getting 18 ready for the deposition. Other than losing 19 sleep what else did you do? Did you meet 20 with anyone? 21 A. Yes, I met with my lawyers. 22 Q. Okay. When did you meet with your 23 lawyers? 24 A. On Saturday. 25 Q. On Saturday? Was anybody else there</p>	<p style="text-align: right;">Page 24</p> <p>1 A. Yes, we went -- yes. 2 Q. Did you read the whole complaint? 3 A. Yes. 4 Q. All the paragraphs? 5 A. Just the -- let me see -- 6 Q. There's one in my briefcase. 7 A. No, ma'am. 8 Q. I represent to you that the 9 complaint, without exhibits, is 86 pages 10 long. Did you read the whole entire 11 complaint? 12 A. No. 13 Q. Did you read -- what portions of the 14 complaint did you read, do you remember? 15 A. No. 16 Q. Have you talked to Mr. Smith since 17 his deposition today? 18 A. No. 19 Q. Did you talk to Mr. Smith before his 20 deposition? Did y'all talk about the case 21 outside the presence of your attorneys? 22 A. No, ma'am. 23 Q. So y'all have never discussed the 24 lawsuit together? 25 A. We did when we first started out,</p>

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<p style="text-align: right;">Page 25</p> <p>1 yeah, but not since we've been --</p> <p>2 Q. Tell me about that.</p> <p>3 A. We was just saying, like when he</p> <p>4 first got out of jail, I was letting him know</p> <p>5 about, you know, the lawsuit that the lawyers</p> <p>6 had going on and stuff.</p> <p>7 Q. How did you find out about the</p> <p>8 lawsuit?</p> <p>9 A. I was staying in Canton Estate at</p> <p>10 the time and the lawyers they was canvassing</p> <p>11 through the apartment complex.</p> <p>12 Q. And did they come to your apartment?</p> <p>13 A. Yes.</p> <p>14 Q. And they met with you?</p> <p>15 A. Yes.</p> <p>16 Q. Don't tell me what y'all said but</p> <p>17 tell me, how long did they meet with you?</p> <p>18 A. No more than about 15 minutes.</p> <p>19 Q. Did -- was anybody else there when</p> <p>20 they met with you?</p> <p>21 A. No, it was just me.</p> <p>22 Q. Mr. Smith wasn't there?</p> <p>23 A. No.</p> <p>24 Q. None of your neighbors?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 27</p> <p>1 Q. Just once?</p> <p>2 A. Yes.</p> <p>3 Q. When was that?</p> <p>4 A. That was when -- there was some</p> <p>5 gambling going on in front of my apartment.</p> <p>6 Q. Do you recall what year?</p> <p>7 A. No, ma'am.</p> <p>8 Q. Do you recall in May of 2007 calling</p> <p>9 the Madison County Sheriff's Department</p> <p>10 complaining about Mr. Smith taking a</p> <p>11 PlayStation from your apartment and choking</p> <p>12 you?</p> <p>13 A. Yes. I remember calling, but I</p> <p>14 don't think it was in 2007.</p> <p>15 Q. 2017?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Tell me about that.</p> <p>18 A. We had got into a argument or</p> <p>19 whatever. And one thing led to another.</p> <p>20 Q. Okay. So that would be a time that</p> <p>21 you called Canton -- I mean the Madison</p> <p>22 County Sheriff's Department for help?</p> <p>23 A. Yes.</p> <p>24 Q. And how was that handled?</p> <p>25 A. The deputy handled it. He told me</p>
<p style="text-align: right;">Page 26</p> <p>1 Q. Your mother?</p> <p>2 A. No.</p> <p>3 Q. No? Okay. After that meeting tell</p> <p>4 me which attorneys met with you that day?</p> <p>5 A. Jade Morgan.</p> <p>6 Q. Do you know Jade is?</p> <p>7 A. Yes.</p> <p>8 Q. Who is she?</p> <p>9 A. She works for the ACLU.</p> <p>10 Q. And she's the only one that met with</p> <p>11 you?</p> <p>12 A. Yes, well he came the second time</p> <p>13 with her. (Indicating.)</p> <p>14 Q. Mr. Tom? All right. Tell me about</p> <p>15 the second time?</p> <p>16 A. The second time is when they was --</p> <p>17 I was just giving them insight on what goes</p> <p>18 on in my neighborhood.</p> <p>19 Q. Do you consider Canton Estates to be</p> <p>20 a high crime area?</p> <p>21 A. No, ma'am.</p> <p>22 Q. Have you ever called Madison County</p> <p>23 Sheriff's Department to report about any</p> <p>24 crimes taking place in Canton Estates?</p> <p>25 A. Once.</p>	<p style="text-align: right;">Page 28</p> <p>1 that if I press charges and that -- he said</p> <p>2 ain't no sense in me pressing charges because</p> <p>3 if I'm still going to be with him, I have to</p> <p>4 pay to drop the charges.</p> <p>5 Q. Okay. Were you please with their,</p> <p>6 the Madison County Sheriff's Departments</p> <p>7 response?</p> <p>8 A. Yes.</p> <p>9 Q. Did you ever live at Loring Road and</p> <p>10 Stump Bridge Road in Camden?</p> <p>11 A. No.</p> <p>12 Q. In April 2007, did you call the</p> <p>13 Madison County Sheriff's Department</p> <p>14 complaining about some guys walking around</p> <p>15 drinking beer and smoking marijuana?</p> <p>16 A. No.</p> <p>17 Q. Are there any other Latoya Brown's</p> <p>18 that live in Madison County --</p> <p>19 A. Yes.</p> <p>20 Q. -- that you know of?</p> <p>21 A. Yes.</p> <p>22 Q. Yes? Who is that?</p> <p>23 A. My second cousin.</p> <p>24 Q. And where does she live?</p> <p>25 A. She was living on Stump Bridge Road</p>

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<p style="text-align: right;">Page 29</p> <p>1 at the time.</p> <p>2 Q. Okay. So that may have been your</p> <p>3 second cousin calling?</p> <p>4 A. Mm-hmm (affirmative response).</p> <p>5 THE REPORTER: You have to say yes or</p> <p>6 no.</p> <p>7 A. Yes, ma'am.</p> <p>8 MS. COWAN: I'm missing half of them.</p> <p>9 I'm sorry.</p> <p>10 BY MS. COWAN:</p> <p>11 Q. In November of 2014, did you call</p> <p>12 the Madison County Sheriff's Department</p> <p>13 complaining about a suspicious vehicle, Ford</p> <p>14 Expedition being in Canton Estates?</p> <p>15 A. No, ma'am.</p> <p>16 Q. You don't recall making that call?</p> <p>17 A. No, ma'am.</p> <p>18 Q. Did your second cousin ever live in</p> <p>19 Canton Estates?</p> <p>20 A. No. Her sister did.</p> <p>21 Q. So if there's a record of your</p> <p>22 calling in May -- November of 2014 about a</p> <p>23 suspicious vehicle, that would be incorrect?</p> <p>24 MR. RETHY: Object to form.</p> <p>25 BY MS. COWAN:</p>	<p style="text-align: right;">Page 31</p> <p>1 show up?</p> <p>2 A. Yes. They patrolled the area.</p> <p>3 Q. They patrolled it for you?</p> <p>4 A. Mm-hmm (affirmative response).</p> <p>5 Q. And what time of day was this?</p> <p>6 A. This was at night. Around 8:00 or</p> <p>7 9:00.</p> <p>8 Q. And did they tell you they were</p> <p>9 going to patrol the area for you?</p> <p>10 A. Yes.</p> <p>11 Q. Did they ever report back to you?</p> <p>12 Did you ever see that happening again?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Did you have any complaints about</p> <p>15 them coming and patrolling the area for you?</p> <p>16 A. No.</p> <p>17 Q. Did you ever call to complain about</p> <p>18 people shooting a gun?</p> <p>19 A. Yes.</p> <p>20 Q. 2011?</p> <p>21 A. Yes. I heard gunshots one night and</p> <p>22 I called them.</p> <p>23 Q. Would that have been in February of</p> <p>24 2011?</p> <p>25 A. Yes, ma'am.</p>
<p style="text-align: right;">Page 30</p> <p>1 Q. Did you ever call in 2014 reporting</p> <p>2 a suspicious vehicle in Canton Estates?</p> <p>3 A. No.</p> <p>4 Q. No? And I believe you testified you</p> <p>5 did call one time about guys gambling?</p> <p>6 A. Yes.</p> <p>7 Q. And that would have been, according</p> <p>8 to our records, June of 2011?</p> <p>9 A. Yes.</p> <p>10 Q. All right. Tell me about that.</p> <p>11 A. I was getting off work and I walked</p> <p>12 up and seen them gambling in front of my</p> <p>13 window.</p> <p>14 Q. Did you see people gambling pretty</p> <p>15 frequently at Canton Estates?</p> <p>16 A. No.</p> <p>17 Q. No? Is that the first time you'd</p> <p>18 ever seen anybody gambling?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. Okay. So you called --</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. Pardon?</p> <p>23 A. I said "yes, ma'am."</p> <p>24 Q. Okay. You called, what happened?</p> <p>25 Did somebody from the Sheriff's Department</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. All right. So that's another time</p> <p>2 you called the Sheriff's Department?</p> <p>3 A. Mm-hmm (affirmative response).</p> <p>4 Q. What'd they do?</p> <p>5 A. Well, they came out and they found</p> <p>6 guns in the grass.</p> <p>7 Q. Tell me about that. How many guns?</p> <p>8 A. I only seen one officer pick up one</p> <p>9 gun.</p> <p>10 Q. What time of day was this?</p> <p>11 A. It was early in the morning when the</p> <p>12 officers came but the shooting happened at</p> <p>13 night.</p> <p>14 Q. Did the officers come -- excuse me,</p> <p>15 when you called them?</p> <p>16 A. Yes, but they didn't see the gun</p> <p>17 hiding in the grass then.</p> <p>18 Q. Did they do anything when they first</p> <p>19 came? Did they go look for people?</p> <p>20 A. No.</p> <p>21 Q. Did they talk to you about it?</p> <p>22 A. No. They didn't come to my house.</p> <p>23 I just told them I heard gunshots and they</p> <p>24 just came over to Canton Estates.</p> <p>25 Q. Okay. So they didn't come to your</p>

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<p style="text-align: right;">Page 33</p> <p>1 apartment. They just came -- were in the 2 area. 3 A. Yeah. Around the area. Around my 4 apartment building. 5 Q. Did you see them patrolling? 6 A. Yes. 7 Q. Did you appreciate that? 8 A. Yes. 9 Q. Did you ever find out what the 10 shooting was about? 11 A. No, ma'am. 12 Q. Do you know who had -- where the 13 guns came from, who tossed them in the grass? 14 A. No, ma'am. 15 Q. In 2010, did you call again about 16 some shooting at Canton Estates? Shooting 17 into a building, two groups of guys? One ran 18 into an apartment. Does that ring a bell? 19 A. No, I wasn't staying over there 20 then. 21 Q. Okay. Were you visiting there at 22 that time? 23 A. No. 24 Q. So you don't recall anything about a 25 call to the Sheriff's Department in 2010</p>	<p style="text-align: right;">Page 35</p> <p>1 A. No. No. 2 BY MS. COWAN: 3 Q. Did you call the Madison County 4 Sheriff's Department in 2009 complaining 5 about your mother fighting with you? 6 A. Yes. 7 Q. Okay. That's another one. What was 8 that about? 9 A. Me and her got into an altercation 10 about this boy I was dating. 11 Q. Tell me why. Was she upset about 12 who you were dating? 13 A. Yes. 14 Q. And who was that? 15 A. [REDACTED] dad. 16 Q. Tell me about the fight and what 17 happened. 18 A. Basically, I was hard headed, stayed 19 out late and stuff like that. Just staying 20 out late. 21 Q. Did some deputies respond to the 22 call? 23 A. Yes. 24 Q. And what did they do? 25 A. They came out to the house and then</p>
<p style="text-align: right;">Page 34</p> <p>1 about guys shooting at each other and running 2 into apartments? 3 A. No. 4 Q. Do you know who Sheila Mack is? 5 A. No. 6 Q. Who's Debra -- Denise Hawkins? 7 A. That's my momma. 8 Q. Do you recall whether or not your 9 mother ever called a Madison County Sheriff's 10 Department complaining about some shooting 11 and maybe some guys running into y'all's 12 apartment or somebody else's apartment at 13 Canton Estates? 14 A. Possibly, yes. 15 Q. Possibly? 16 A. Yes, ma'am. 17 Q. Tell me about it. 18 A. I'm not -- I don't know if she 19 called them or not. 20 Q. Okay. Do you recall the event? 21 A. No. I don't. 22 Q. So you don't recall anybody coming 23 out? 24 A. (Shakes head negatively.) 25 MR. RETHY: Yes or no.</p>	<p style="text-align: right;">Page 36</p> <p>1 me and my boyfriend at the time, we left. 2 Q. Okay. Anything about that -- were 3 you okay with that visit from the deputies? 4 Did they talk to you? 5 A. They did. They mostly were talking 6 to my mom while me and him was just sitting 7 in the car ready to go. 8 Q. Did you hear anything the deputy 9 said to your mother? 10 A. No. I was already outside. 11 Q. All right. I asked you this before 12 and I think I hopefully refreshed your memory 13 somewhat. How many times did you call the 14 Madison County Sheriff's Department while you 15 were living at Canton Estates and asked for 16 any kind of help? 17 A. Twice. 18 Q. Twice? Did you see -- have you 19 observed the Madison County Sheriff's 20 Department patrolling within Canton Estates? 21 A. Yes. 22 Q. Have you ever observed guys with 23 guns in Canton Estates? 24 A. No. 25 Q. No guns.</p>

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<p style="text-align: right;">Page 37</p> <p>1 A. Huh-uh (negative response). 2 Q. The shooting that we talked about, 3 how many times have you experienced somebody 4 shooting guns in Canton Estates? 5 A. It was just that once. 6 Q. Okay. Prior to this lawsuit, did 7 you ever meet with anybody with the ACLU? I 8 know you told me you met in the apartment 9 and, once or twice, how many times have you 10 met with somebody or a group of people 11 concerning this lawsuit? 12 A. Twice. 13 Q. Okay. And both of them were in your 14 apartment? 15 A. Yes. 16 Q. Did you ever go to any meetings 17 where the ACLU talked about the lawsuit with 18 a group of people? 19 A. I went to the press conference. 20 Q. You just went to the press 21 conference? 22 A. Yes, ma'am. 23 Q. Did you go to the Canton Library to 24 meet with anybody at any point in time? 25 A. No, ma'am.</p>	<p style="text-align: right;">Page 39</p> <p>1 A. Only by name. 2 Q. How do you know him by name? 3 A. I know him through Anthony Herbert 4 Green. 5 Q. Anthony Green? How do you know 6 Anthony Green? 7 A. Through Steven. 8 Q. Have you talked to Anthony Green 9 about this lawsuit? 10 A. No. 11 Q. Has Steven told you anything he 12 talked to Anthony Green about in regard to 13 the lawsuit? 14 A. No, ma'am. 15 Q. When was the last time you saw 16 Anthony Green? 17 A. Before I moved to Georgia. 18 Q. Before? 19 A. I moved to Georgia. 20 Q. All right. When was that? 21 A. At the end of June. The last week 22 of June. 23 Q. Tell me about that. Where was he 24 and what did y'all do? 25 A. He was on Martin Luther King at his</p>
<p style="text-align: right;">Page 38</p> <p>1 Q. What about the LaQuinta Inn? 2 A. No, ma'am. 3 Q. Mr. Smith said he was there, did you 4 not accompany him there? 5 A. I didn't go. 6 Q. You didn't go? Did you hear about 7 it? 8 A. I heard about it, but I didn't go. 9 Q. And why didn't you go? 10 A. Because I didn't supposed to go. I 11 didn't -- they weren't looking for me to go. 12 Q. They weren't looking for you to go? 13 A. No. 14 Q. Who were they looking to go? 15 A. They wanted Steven there. 16 Q. They just wanted Steven there? 17 A. Mm-hmm (affirmative response). 18 Q. And did Steven tell you that? 19 A. Yes. 20 Q. Has there ever been a time when you 21 went to a meeting where the ACLU was meeting 22 with any of the plaintiffs that are named in 23 this case? 24 A. No. 25 Q. Do you know Lawrence Blackmon?</p>	<p style="text-align: right;">Page 40</p> <p>1 house. And he wanted to see the kids before 2 we moved out of town. 3 Q. Why would he want to see the kids? 4 A. Because he bonded with them. 5 Q. And how often did he spend time with 6 the kids? 7 A. You know, we was always -- used to 8 just sit around and hang out and talk and 9 stuff. And we used to bring our kids 10 together so they could play. And stuff like 11 that. 12 Q. Do you know where he is now? 13 A. No, ma'am. 14 Q. That was the last time you heard 15 from him? 16 A. Yes, ma'am. 17 Q. What about Khadafy Manning, do you 18 know him? 19 A. From the neighborhood in Canton 20 Estates. 21 Q. Okay. Have you talked to him about 22 this lawsuit? 23 A. No, ma'am. 24 Q. Have you talked to his wife 25 Quinnetta about the lawsuit?</p>

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<p style="text-align: right;">Page 41</p> <p>1 A. No, ma'am.</p> <p>2 Q. When was the last time you saw Mr.</p> <p>3 Manning?</p> <p>4 A. I don't -- I can't -- I don't</p> <p>5 remember.</p> <p>6 Q. Did you ever -- do you know what Mr.</p> <p>7 Manning's claiming in this lawsuit?</p> <p>8 A. No.</p> <p>9 Q. You don't? You never talked to</p> <p>10 anybody about what Mr. Manning was claiming</p> <p>11 in this lawsuit?</p> <p>12 A. No, ma'am.</p> <p>13 Q. What about Mr. Blackmon? Do you</p> <p>14 know what Mr. Blackmon is claiming in this</p> <p>15 lawsuit?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Okay. What about Mr. Green?</p> <p>18 A. No, ma'am.</p> <p>19 Q. You don't know anything about why</p> <p>20 he's a plaintiff in this lawsuit?</p> <p>21 A. No.</p> <p>22 Q. You never talked to him about it?</p> <p>23 A. No, ma'am.</p> <p>24 Q. Has Mr. Smith ever told you about</p> <p>25 why Mr. Green's suing?</p>	<p style="text-align: right;">Page 43</p> <p>1 A. No.</p> <p>2 Q. Have you seen her recently?</p> <p>3 A. No.</p> <p>4 Q. What about Betty Jean Williams</p> <p>5 Tucker, do you know her?</p> <p>6 A. No, ma'am.</p> <p>7 Q. I may have already asked you this.</p> <p>8 Other than the complaint and some part of it</p> <p>9 that you read, and your interrogatory</p> <p>10 answers, did you look at any other documents,</p> <p>11 any Sheriff's Department documents?</p> <p>12 A. No.</p> <p>13 Q. Can you tell me why you filed this</p> <p>14 lawsuit? Why you're a plaintiff?</p> <p>15 A. Yes. Because I want better</p> <p>16 policing.</p> <p>17 Q. You want better policing?</p> <p>18 A. Mm-hmm (affirmative response).</p> <p>19 Q. Tell me a little bit more about</p> <p>20 that.</p> <p>21 A. The excessive roadblocks. The</p> <p>22 excessive roadblocks, like warrantless</p> <p>23 searches, pedestrian stops.</p> <p>24 Q. Anything else?</p> <p>25 A. No, that's all.</p>
<p style="text-align: right;">Page 42</p> <p>1 A. No.</p> <p>2 Q. You know Marvin McField?</p> <p>3 A. No.</p> <p>4 Q. What about Nick Singleton?</p> <p>5 A. No.</p> <p>6 Q. You know Rasheid Davis?</p> <p>7 A. No.</p> <p>8 Q. Bessie Thomas? Quinnetta's mother?</p> <p>9 A. Yeah, I know her.</p> <p>10 Q. How do you know Bessie Thomas?</p> <p>11 A. She used to make our dancing</p> <p>12 costumes.</p> <p>13 Q. She makes dancing costumes?</p> <p>14 A. Yes.</p> <p>15 Q. She make some for your daughters?</p> <p>16 A. No. I was in -- I knew her from</p> <p>17 some years ago, when I used to be in the</p> <p>18 dance team with Quinnetta.</p> <p>19 Q. Okay. So you and Quinnetta were in</p> <p>20 dancing classes, or --</p> <p>21 A. It was a majorette team.</p> <p>22 Q. And that was in high school?</p> <p>23 A. I was in middle school at the time.</p> <p>24 Q. Okay. Have you talked to Ms. Thomas</p> <p>25 about this lawsuit?</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Let's talk about your wanting better</p> <p>2 roadblocks. Tell me about that.</p> <p>3 MR. RETHY: Object to form.</p> <p>4 MS. COWAN: What's your objection?</p> <p>5 MR. RETHY: She said excessive</p> <p>6 roadblocks and then you said, "You want</p> <p>7 better roadblocks," which isn't a completely</p> <p>8 accurate characterization of the testimony.</p> <p>9 MS. COWAN: Okay.</p> <p>10 BY MS. COWAN:</p> <p>11 Q. When you tell me you want better</p> <p>12 policing in regard to roadblocks, what do you</p> <p>13 mean by that?</p> <p>14 A. I have noticed that, well I have</p> <p>15 seen, there used to be like three to four</p> <p>16 roadblocks a day in the same neighborhood.</p> <p>17 Q. Three to four roadblocks a day in</p> <p>18 the same neighborhood?</p> <p>19 A. Mm-hmm (affirmative response).</p> <p>20 Q. And how often have you seen that?</p> <p>21 A. Common. Common.</p> <p>22 Q. It's common? And what neighborhood</p> <p>23 would that be?</p> <p>24 A. Multiple. Like Canton Estates, Joe</p> <p>25 Pritchard Homes, MLK.</p>

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<p>1 Q. Anywhere else?</p> <p>2 A. Yes. May Street, King Ranch, and</p> <p>3 Ricks Drive.</p> <p>4 Q. You ever seen roadblocks in any</p> <p>5 other part of Madison County?</p> <p>6 A. No.</p> <p>7 Q. And as I understand it, you don't</p> <p>8 have a driver's license?</p> <p>9 A. No.</p> <p>10 Q. So you wouldn't be driving a car</p> <p>11 around encountering roadblocks anywhere?</p> <p>12 A. I went through a few, I mean two of</p> <p>13 them without a license.</p> <p>14 Q. Without a license?</p> <p>15 A. Mm-hmm (affirmative response).</p> <p>16 Q. And did you get a citation?</p> <p>17 A. Yes.</p> <p>18 Q. And what two were those?</p> <p>19 A. 2014 and 2013.</p> <p>20 Q. 2018?</p> <p>21 A. '13.</p> <p>22 Q. '13. Where did you get a citation</p> <p>23 in 2013?</p> <p>24 A. I was coming home from work. I</p> <p>25 wasn't coming home from work, I was coming</p>	<p>1 A. The cars.</p> <p>2 Q. They had marked vehicles?</p> <p>3 A. Mm-hmm (affirmative response).</p> <p>4 Q. Did they -- and lights?</p> <p>5 A. I didn't see any lights.</p> <p>6 Q. You didn't see the lights? Was it</p> <p>7 during the day?</p> <p>8 A. Night.</p> <p>9 Q. Okay. Did you see people standing</p> <p>10 in the road, deputies standing in the road?</p> <p>11 A. One stood in the road with his</p> <p>12 flashlight.</p> <p>13 Q. Were they stopping every car in</p> <p>14 front of you?</p> <p>15 A. Well, at the time I was the only car</p> <p>16 coming down the road.</p> <p>17 Q. Okay. And that was on which street?</p> <p>18 A. MLK.</p> <p>19 Q. And when you stopped they asked you</p> <p>20 for your driver's license?</p> <p>21 A. Yes.</p> <p>22 Q. And you said you didn't have one?</p> <p>23 A. Yes, ma'am.</p> <p>24 Q. They gave you a ticket --</p> <p>25 A. Yes, ma'am.</p>
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<p>1 home from the store. And they had one in</p> <p>2 front of Canton Estates.</p> <p>3 Q. And you're sure that you got a</p> <p>4 ticket?</p> <p>5 A. Yes.</p> <p>6 Q. And that would not have been in</p> <p>7 2014?</p> <p>8 A. No.</p> <p>9 Q. Tell me about the one in 2014.</p> <p>10 A. That was on MLK.</p> <p>11 Q. And tell me about that.</p> <p>12 A. That was when I was coming over the</p> <p>13 bridge, coming from my sister's house.</p> <p>14 Q. And your sister lives where?</p> <p>15 A. Martin Luther King, Canton Garden</p> <p>16 Apartments.</p> <p>17 Q. And tell me what happened there.</p> <p>18 A. They wrote me a citation. My mom</p> <p>19 had to come and pick the car up.</p> <p>20 Q. Okay. Cause you couldn't drive</p> <p>21 cause you didn't have a license?</p> <p>22 A. Mm-hmm (affirmative response). Yes,</p> <p>23 ma'am.</p> <p>24 Q. How did you know that it was the</p> <p>25 Madison County Sheriff's Department?</p>	<p>1 Q. -- and you called your mom to come</p> <p>2 get the car?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. And they waited around, let your mom</p> <p>5 come get it, rather than towing it?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And in 2013, was that -- did</p> <p>8 the same thing happened then?</p> <p>9 A. Yes.</p> <p>10 Q. Nothing else happened during the</p> <p>11 roadblock?</p> <p>12 A. No.</p> <p>13 Q. They just gave you a ticket for it?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Didn't arrest you?</p> <p>16 A. No, ma'am.</p> <p>17 Q. No?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Okay. That was the only two</p> <p>20 roadblocks that you've been through?</p> <p>21 A. It could be more. I'm not sure.</p> <p>22 Q. But you don't recall any other ones?</p> <p>23 A. No, ma'am.</p> <p>24 Q. That was driving and/or passenger?</p> <p>25 A. Passenger, yes.</p>

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<p style="text-align: right;">Page 49</p> <p>1 Q. Okay. Tell me about that -- those.</p> <p>2 A. There was three occasions. I was</p> <p>3 with my sister on one. And they asked her</p> <p>4 for her driver's license and my ID.</p> <p>5 Q. Okay.</p> <p>6 A. The second one --</p> <p>7 Q. Did anything happen? Did she have a</p> <p>8 license?</p> <p>9 A. Yeah, she had a license?</p> <p>10 Q. You had and ID?</p> <p>11 A. Yes. They let us go.</p> <p>12 Q. They said, "Go away?"</p> <p>13 A. Yes.</p> <p>14 Q. All right. Next?</p> <p>15 A. I was with my friend girl Amanda.</p> <p>16 Q. Who?</p> <p>17 A. Amanda.</p> <p>18 Q. Amanda?</p> <p>19 A. Yes.</p> <p>20 Q. You remember when this was and</p> <p>21 where?</p> <p>22 A. This was in front of Brooklyn -- I</p> <p>23 mean, Boyd -- no, not Boyd street. Canton</p> <p>24 Estates. Canton Estates.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 51</p> <p>1 there was two deputies on feet. And they</p> <p>2 stopped and they asked me for my</p> <p>3 identification. And I was already running</p> <p>4 late for work.</p> <p>5 Q. You give it to them?</p> <p>6 A. Yes.</p> <p>7 Q. And nothing else happened?</p> <p>8 A. Yes. They ran my name and nothing</p> <p>9 else happened.</p> <p>10 Q. Okay. Do you remember -- did you</p> <p>11 work the night shift?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. What time were you walking in</p> <p>14 Canton Estates?</p> <p>15 A. I had to be at work at 11:00. So it</p> <p>16 was about 11:10 because I was already running</p> <p>17 late.</p> <p>18 Q. And your friend was going to pick</p> <p>19 you up outside?</p> <p>20 A. Outside the gate.</p> <p>21 Q. Okay.</p> <p>22 A. At the front gate.</p> <p>23 Q. And the deputies were walking around</p> <p>24 in Canton Estates?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 50</p> <p>1 A. She was taking me home.</p> <p>2 Q. And anything significant happen</p> <p>3 there? Did they just check and let you go?</p> <p>4 A. She didn't have any license.</p> <p>5 Q. Okay.</p> <p>6 A. So they wrote her a ticket and I</p> <p>7 walked on to my apartment. Her mom came and</p> <p>8 got her car.</p> <p>9 Q. And they waited around and let her</p> <p>10 mom come get the car?</p> <p>11 A. Yes.</p> <p>12 Q. Didn't tow it.</p> <p>13 A. No.</p> <p>14 Q. Anything else happen at that one</p> <p>15 other than what you just told me?</p> <p>16 A. No.</p> <p>17 Q. Okay. Okay. You talked about</p> <p>18 better policing and you talked about</p> <p>19 roadblocks. Is there anything else that you</p> <p>20 want better policing in regard to Madison</p> <p>21 County?</p> <p>22 A. Yes. Pedestrian stops.</p> <p>23 Q. Okay. Tell me about that.</p> <p>24 A. I was walking to the front of the</p> <p>25 gate to meet my ride for work one night. And</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. And -- but you'd seen them walking</p> <p>2 around before?</p> <p>3 A. Yes.</p> <p>4 Q. Did they walk around when you called</p> <p>5 about the gambling or did they drive around?</p> <p>6 A. They drove.</p> <p>7 Q. What about the guns? Did they walk</p> <p>8 or --</p> <p>9 A. Drove.</p> <p>10 Q. Okay. Did you have any problems</p> <p>11 with the officers patrolling Canton Estates?</p> <p>12 A. No.</p> <p>13 MR. RETHY: I'll object to the form</p> <p>14 of the last question.</p> <p>15 MS. COWAN: What's the basis of your</p> <p>16 objection?</p> <p>17 MR. RETHY: "Any problems", vague.</p> <p>18 MS. COWAN: Okay.</p> <p>19 BY MS. COWAN:</p> <p>20 Q. Do you have any problems, at all,</p> <p>21 about the officers walking around and</p> <p>22 patrolling Canton Estates?</p> <p>23 MR. RETHY: At what time.</p> <p>24 BY MS. COWAN:</p> <p>25 Q. At any time?</p>

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<p style="text-align: right;">Page 53</p> <p>1 A. No.</p> <p>2 Q. Okay. Okay. Was the time that the</p> <p>3 deputies stopped you while you were walking</p> <p>4 towards the gate going outside Canton</p> <p>5 Estates, is that the only time you were ever</p> <p>6 stopped by deputies patrolling Canton</p> <p>7 Estates?</p> <p>8 A. No.</p> <p>9 Q. Tell me about that.</p> <p>10 A. Yes. I was standing back of my</p> <p>11 stepdad's truck and --</p> <p>12 Q. Who's your stepdad?</p> <p>13 A. Leroy McDonald. Leroy McDonald.</p> <p>14 Q. Does he live in Canton Estates?</p> <p>15 A. No. He stay with my mom on Walnut</p> <p>16 now.</p> <p>17 Q. Was he visiting Canton Estates?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. He was visiting your mother?</p> <p>20 A. He was visiting me at the time in my</p> <p>21 apartment.</p> <p>22 Q. Okay. That was when you were living</p> <p>23 with Mr. Smith?</p> <p>24 A. Yes.</p> <p>25 Q. What year was that?</p>	<p style="text-align: right;">Page 55</p> <p>1 door. Steven went to the door. I was still</p> <p>2 in the room putting my clothes on. I heard</p> <p>3 the officer say that they just want to search</p> <p>4 for a missing child. They're not going to</p> <p>5 look through anything else. They just want</p> <p>6 to search for a missing child. Her name is</p> <p>7 [REDACTED] Steve told them that they didn't</p> <p>8 have a warrant, they can't come in. So one</p> <p>9 of the deputies pushed the door open and</p> <p>10 walked on in my house. As they was searching</p> <p>11 through, they was looking through drawers and</p> <p>12 stuff.</p> <p>13 So my three year old at the time,</p> <p>14 she was asleep in her bed. When they came in</p> <p>15 her room, they looked through her closets and</p> <p>16 they put the flashlight on her face and she</p> <p>17 woke up. One of the deputies asked her, "Is</p> <p>18 you [REDACTED] And they assumed to leave</p> <p>19 after that.</p> <p>20 Q. And Mr. Smith said he heard them</p> <p>21 going up and down steps to other apartments.</p> <p>22 A. Yeah. They was going to everybody's</p> <p>23 apartment that day.</p> <p>24 Q. Everybody's apartment. Do you know</p> <p>25 who is [REDACTED]</p>
<p style="text-align: right;">Page 54</p> <p>1 A. That was in 2013.</p> <p>2 Q. Okay. Tell me about that.</p> <p>3 A. Yes. Him and my mom came over to my</p> <p>4 house and I was standing on the back of the</p> <p>5 truck outside on the phone and they walked up</p> <p>6 to me and asked me for my identification.</p> <p>7 Q. Okay. And you gave it to them.</p> <p>8 Anything else happen?</p> <p>9 A. No. They ran my name and they let</p> <p>10 me go.</p> <p>11 Q. Okay. And is that it?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. You referred to another</p> <p>14 incident where something happened on</p> <p>15 Halloween night in 2015. Do you recall that</p> <p>16 where deputies came and knocked on y'all's</p> <p>17 door?</p> <p>18 A. Yes.</p> <p>19 Q. Mr. Smith's told me a little bit</p> <p>20 about it. Can you tell me -- tell me what</p> <p>21 you remember about it.</p> <p>22 A. Yes. It was before dawn.</p> <p>23 Q. Before dawn is pretty early in the</p> <p>24 morning?</p> <p>25 A. Yes. I heard a knocking at the</p>	<p style="text-align: right;">Page 56</p> <p>1 A. No, ma'am.</p> <p>2 Q. Did they tell you? Was it a child?</p> <p>3 I know you said it was a child. Did they say</p> <p>4 what age or anything about her?</p> <p>5 A. No, ma'am.</p> <p>6 Q. Did you ever hear anything on the</p> <p>7 street about who [REDACTED] was and what</p> <p>8 happened to her?</p> <p>9 A. Yes. I know that her mom lived at</p> <p>10 Canton Estates.</p> <p>11 Q. Okay. Did you ever talk to her mom</p> <p>12 about it?</p> <p>13 A. No. I don't even know her mom.</p> <p>14 Q. But it was your understanding that</p> <p>15 lived in Canton Estates was missing?</p> <p>16 A. Mm-hmm (affirmative response). Yes,</p> <p>17 ma'am.</p> <p>18 Q. And they were going door to door</p> <p>19 looking for her.</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. When the deputies stopped you, you</p> <p>22 know, going -- walking out, going to meet</p> <p>23 your ride, do you believe that that had</p> <p>24 anything to do with your race?</p> <p>25 A. No. I just think it had something</p>

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<p style="text-align: right;">Page 57</p> <p>1 to do with harassing.</p> <p>2 Q. Okay.</p> <p>3 MS. COWAN: You are at an advantage</p> <p>4 because I've gotten most of these answers</p> <p>5 from Mr. Smith, so yours will be shorter.</p> <p>6 THE WITNESS: Okay.</p> <p>7 BY MS. COWAN:</p> <p>8 Q. The time that you were sitting on</p> <p>9 the back of the truck and the time you were</p> <p>10 walking towards the entrance to Canton</p> <p>11 Estates --</p> <p>12 A. Mm-hmm (affirmative response).</p> <p>13 Q. -- I think you told me this, but you</p> <p>14 encountered the deputies were walking. They</p> <p>15 were doing a walking patrol?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. The truck incident, do you</p> <p>18 believe that that was because of your race?</p> <p>19 A. No.</p> <p>20 Q. Do you recall Mr. Smith calling the</p> <p>21 Sheriff's Department about seeing kids that</p> <p>22 were walking through the breezeway of y'all's</p> <p>23 apartment and they kept looking down, he</p> <p>24 called the Sheriff's Department and they</p> <p>25 found a gun in the grass? Does that ring a</p>	<p style="text-align: right;">Page 59</p> <p>1 Q. I believe Mr. Smith said you dressed</p> <p>2 him for the press conference. Did you go to</p> <p>3 the press conference too?</p> <p>4 A. Yes, I was at the press conference.</p> <p>5 Q. Did you talk to anybody other than</p> <p>6 the lawyers about what to say at the press</p> <p>7 conference?</p> <p>8 A. No, ma'am.</p> <p>9 Q. And did you say anything?</p> <p>10 A. No, ma'am.</p> <p>11 Q. You didn't say anything. Who talked</p> <p>12 during the press conference?</p> <p>13 A. Steven and Quinnetta did.</p> <p>14 Q. What did Steven say? Do you recall?</p> <p>15 A. No, ma'am.</p> <p>16 Q. What about Quinnetta?</p> <p>17 A. No, ma'am. I don't recall.</p> <p>18 Q. When was the last time you say</p> <p>19 Quinnetta?</p> <p>20 A. At the press conference.</p> <p>21 Q. Okay. Do you know anything about an</p> <p>22 incident involving Mr. Manning getting shot</p> <p>23 at Canton Estates?</p> <p>24 A. Yes.</p> <p>25 Q. What do you know about that?</p>
<p style="text-align: right;">Page 58</p> <p>1 bell to you?</p> <p>2 A. Yes. That's the same incident when</p> <p>3 I told you about the gun they found in the</p> <p>4 grass at the house.</p> <p>5 Q. Okay. It was a shotgun?</p> <p>6 A. Yes. It was a shotgun.</p> <p>7 Q. It wasn't a pistol?</p> <p>8 A. No.</p> <p>9 Q. I think he said it was a 12 gauge</p> <p>10 shotgun?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. You never knew where it came from or</p> <p>13 anything about it?</p> <p>14 A. No.</p> <p>15 Q. Okay. Other than the plaintiff's</p> <p>16 whose names I read you, you know some, you</p> <p>17 don't know some, have you talked to anybody</p> <p>18 else about this lawsuit?</p> <p>19 A. No, ma'am.</p> <p>20 Q. Have you talked to your dad about</p> <p>21 it?</p> <p>22 A. No.</p> <p>23 Q. Does he know that you're a plaintiff</p> <p>24 in the lawsuit?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 60</p> <p>1 A. I was living across the street from</p> <p>2 them at the time and I heard the gunshots,</p> <p>3 but I was, you know, looking out my window.</p> <p>4 No, peeking out. And I didn't -- that's all</p> <p>5 I seen. Then about five minutes later the</p> <p>6 police come in.</p> <p>7 Q. Was it the Sheriff's Department?</p> <p>8 A. Yes.</p> <p>9 Q. And is the reason you didn't go out</p> <p>10 because you thought it might be dangerous?</p> <p>11 A. Yes.</p> <p>12 Q. Did you ever talk to anybody about</p> <p>13 what happened to Mr. Manning?</p> <p>14 A. No, ma'am.</p> <p>15 Q. Do you know whether or not Mr.</p> <p>16 Manning sold drugs Canton Estates?</p> <p>17 A. No, ma'am.</p> <p>18 Q. Did anybody tell you that he was</p> <p>19 shot because he was selling drugs at Canton</p> <p>20 Estates?</p> <p>21 A. No, ma'am.</p> <p>22 Q. I may have already asked you this.</p> <p>23 How did you first find out about this</p> <p>24 lawsuit? The very first time?</p> <p>25 A. When Jade and them was doing</p>

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<p style="text-align: right;">Page 61</p> <p>1 canvassing through the apartment complex. 2 Q. Do you know whether or not Jade 3 visited other apartment complexes other than 4 Canton Estates? 5 A. No, ma'am. 6 Q. She just showed up at your door? 7 A. Yeah. I think they was canvassing, 8 but I was already in the house so I don't 9 know if she went to somebody else's house or 10 not. 11 Q. Have you talked to anybody who has 12 said they don't want to be a part of this 13 lawsuit? 14 A. No, ma'am. 15 Q. Do you know what Mr. Smith is 16 claiming in this lawsuit? 17 A. Yes. 18 Q. What's he claiming? 19 A. Harassment. 20 Q. What kind of harassment? 21 A. The time he was walking home from 22 the store, I sent him to the store, and he 23 was walking back to the house and there was a 24 roadblock in the front and they stopped him 25 and they ran his name in.</p>	<p style="text-align: right;">Page 63</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 Q. Were they stopping other cars going 13 through a roadblock? 14 A. Not after theirs. Not after what 15 happened with Steven and Ty. They left. 16 Q. Did you see any actual roadblock 17 being conducted? 18 A. Yes. 19 Q. All right. Tell me about that. 20 A. Times I was walking to the mailbox, 21 walking to the store, walking my kids. 22 Q. No, I mean that night. 23 A. Oh, that night. No, it was just 24 one. 25 Q. Okay. You keep a journal or a</p>
<p style="text-align: right;">Page 62</p> <p>1 Q. Okay. So he's told you that he 2 walked through a roadblock? 3 A. Yes. 4 Q. Okay. And he walked through the 5 roadblock with whom? 6 A. It was him and his friend. 7 Q. Who's his friend? 8 A. Ty. I don't know his first name. I 9 just call him Ty. 10 Q. Did Ty frequently visit y'all's 11 apartment? 12 A. Yes. 13 Q. How often? 14 A. Maybe -- he worked during the week 15 so it would be like on the weekend or 16 something when he come over. 17 Q. Once a month, twice a month, three 18 time? 19 A. Twice a month. Twice a month. 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>	<p style="text-align: right;">Page 64</p> <p>1 diary? 2 A. No, ma'am. 3 Q. Do you use social media? 4 A. Yes. 5 Q. Do you have a Facebook page? 6 A. Yes. 7 Q. What's your name on your Facebook 8 page? 9 A. [REDACTED] 10 Q. Is it a public Facebook? 11 A. No, it's private. 12 Q. Private. Have you ever made any 13 comments or talked about this lawsuit on your 14 Facebook page? 15 A. No, ma'am. 16 Q. Does Mr. Smith use your Facebook 17 page? 18 A. No, ma'am. 19 Q. Does anybody else use your Facebook 20 page? 21 A. No, ma'am. 22 Q. Do you have any knowledge whether or 23 not roadblocks are conducted anywhere else, 24 other than where you've seen them, in Madison 25 County?</p>

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<p style="text-align: right;">Page 65</p> <p>1 A. No.</p> <p>2 Q. Have you ever filed a lawsuit</p> <p>3 against anybody or any company or anything?</p> <p>4 A. No, ma'am.</p> <p>5 Q. Have you ever been sued?</p> <p>6 A. No, ma'am.</p> <p>7 Q. Have you ever been hurt on the job?</p> <p>8 A. No, ma'am.</p> <p>9 Q. You ever filed a workman's comp</p> <p>10 claim?</p> <p>11 A. No, ma'am.</p> <p>12 Q. What about unemployment?</p> <p>13 A. Yes, I have -- no, no, no.</p> <p>14 Q. No?</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<p style="text-align: right;">Page 67</p> <p>1 Q. Your who?</p> <p>2 A. Classmate.</p> <p>3 Q. All right. Tell me about her. When</p> <p>4 was the last time you saw her?</p> <p>5 A. I haven't seen her in years.</p> <p>6 Q. A year?</p> <p>7 A. Years.</p> <p>8 Q. Years. Have you talked to her about</p> <p>9 this lawsuit?</p> <p>10 A. No.</p> <p>11 Q. Do you know what she knows about</p> <p>12 this lawsuit?</p> <p>13 A. No.</p> <p>14 Q. Do you know if Mr. Smith has talked</p> <p>15 with her?</p> <p>16 A. No.</p> <p>17 Q. What about Mr. Willie Carter?</p> <p>18 A. I don't know him.</p> <p>19 Q. Rasheid Davis?</p> <p>20 A. I don't know him.</p> <p>21 Q. The hairdresser?</p> <p>22 A. I don't --</p> <p>23 Q. No?</p> <p>24 A. -- know him.</p> <p>25 Q. Veronica Davis.</p>
<p style="text-align: right;">Page 66</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 Q. I'm going to go through some names</p> <p>11 that you gave me in some answers to the</p> <p>12 interrogatories that you looked through.</p> <p>13 A. Mm-hmm (affirmative response).</p> <p>14 Q. And ask you if you know these people</p> <p>15 and how you know them.</p> <p>16 James Bacon?</p> <p>17 A. I don't know him.</p> <p>18 Q. Michael Bracy?</p> <p>19 A. I don't know him.</p> <p>20 Q. Anthony Brown?</p> <p>21 A. I don't know him.</p> <p>22 Q. From Flora?</p> <p>23 A. I don't know him.</p> <p>24 Q. Bysheba Brown from Ridgeland?</p> <p>25 A. She's my classmate.</p>	<p style="text-align: right;">Page 68</p> <p>1 A. I don't know her.</p> <p>2 Q. Dominique Doss?</p> <p>3 A. I don't know her.</p> <p>4 Q. Undrea Guise?</p> <p>5 A. I don't know her.</p> <p>6 Q. From Canton? No? Kenneth Harris?</p> <p>7 A. I don't know him.</p> <p>8 Q. Lester Hollins?</p> <p>9 A. I don't know him.</p> <p>10 Q. From Jackson? Antonio Howard?</p> <p>11 A. I don't know him.</p> <p>12 Q. John Spann?</p> <p>13 A. I don't know him.</p> <p>14 Q. What about Earline Wilder?</p> <p>15 A. I worked with her -- I worked with</p> <p>16 her at the hospital.</p> <p>17 Q. Okay. What does she do?</p> <p>18 A. She was a housekeeper.</p> <p>19 Q. Housekeeper at Canton Manor?</p> <p>20 A. No, we worked at Merit Health</p> <p>21 together.</p> <p>22 Q. Okay. You didn't tell me about</p> <p>23 that. When did you work for Merit Health?</p> <p>24 A. 2015.</p> <p>25 Q. How long did you work there?</p>

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<p style="text-align: right;">Page 69</p> <p>1 A. Seven months. 2 Q. Seven months? 3 A. Yes. 4 Q. And what did you do there? 5 A. Housekeeping. 6 Q. And why did you leave? 7 A. Maternity leave. 8 Q. Maternity leave. 9 MS. COWAN: Let's take a break. 10 --- 11 (OFF THE RECORD AT 11:57 P.M.) 12 (BACK ON THE RECORD AT 12:05 P.M.) 13 BY MS. COWAN: 14 Q. Ms. Brown, the October 31st, 2015 15 Halloween incident. Mr. Smith said that 16 y'all had given a party earlier in the day 17 for one of your daughters? 18 A. No. It was my nephew. 19 Q. Oh, that's right. I'm sorry. Your 20 nephew. 21 A. Yes. 22 Q. Okay. And do you know when that 23 party stopped? 24 A. It stopped pretty early. Around 25 8:00.</p>	<p style="text-align: right;">Page 71</p> <p>1 wasn't too far from my building. So I walked 2 around the front windows to around the 3 apartment, and I seen Steven in handcuffs 4 sitting on the ground. They had his ID 5 running his name in. 6 Q. Do you know what year this was? 7 A. 2015. 8 Q. 2015. Do you know why they put him 9 in handcuffs? 10 A. No. 11 Q. Did he ever talk to you about it? 12 A. Yes, I said -- but no, he didn't 13 tell me why they had him in handcuffs. 14 Q. He didn't tell you anything about 15 what -- the incident occurred? 16 A. No. 17 Q. Well, he didn't tell us either. 18 That's why I was asking. 19 A. No. 20 Q. Was he arrested? 21 A. No. They let him go after they ran 22 his name in. 23 Q. Okay. But he didn't tell you why 24 they asked him to walk around to the other 25 side of the apartment or anything?</p>
<p style="text-align: right;">Page 70</p> <p>1 Q. 8:00 at night? 2 A. Yes. 3 Q. And was it a birthday party? 4 A. Yes. 5 Q. Okay. You mentioned better policing 6 and warrantless searches. Is that the only 7 warrantless search that you can tell me about 8 that's happened to you that you know 9 personally about? 10 A. No, there was this incident with 11 Steven. 12 Q. Okay. 13 A. Me and him both were sitting outside 14 our apartment, and it was two deputies walk 15 -- walk by. It was night time. 16 Q. What time? 17 A. It was like 9:30 at night. And we 18 was sitting out and they walked by. We 19 thought it was the two security guards that 20 worked there. So when they walked up, they 21 put they flashlight on us. They told Steven 22 to stand up, and they asked him to walk 23 around the building with them. And so I go 24 in the house, I check on my kids. 25 So with the way they walked it</p>	<p style="text-align: right;">Page 72</p> <p>1 A. No. 2 Q. Did you ask him? 3 A. No, I just walked around the 4 building and seen him in handcuffs. And when 5 they were like taking the handcuffs off of 6 him, that's when I walked back to the 7 apartment. 8 Q. When he got back to the apartment, 9 you didn't ask him anything about what 10 happened? 11 A. Huh-uh (negative response). Because 12 I thought maybe that's all they was doing was 13 running his name in. 14 Q. Okay. Did you think they thought he 15 was somebody else? 16 A. No. 17 Q. Okay. Tell me how the Madison 18 County Sheriff's Department can have better 19 policing in Madison County. 20 A. By not walking in people's houses 21 without warrants. The pedestrian stops. 22 Through roadblocks. You know. 23 Q. When you say through roadblocks, 24 what do you mean? Holding roadblocks? 25 A. Like, if I'm walking through a</p>

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<p style="text-align: right;">Page 73</p> <p>1 roadblock and they stop me and ask me, and 2 I'm not driving, for my ID or something. 3 Q. When you're walking through a 4 roadblock, have you ever been ID'd walking 5 through a roadblock? 6 A. No. 7 Q. Anything else? 8 A. No, ma'am. 9 Q. And the complaint you have about the 10 warrantless search was when the deputies was 11 looking for [REDACTED] 12 A. Mm-hmm (affirmative response). 13 Q. Yes? 14 A. Yes, ma'am. 15 Q. Do you know if whether Mr. Smith 16 allowed them to come into the apartment? 17 A. No. 18 Q. You didn't hear one way or the 19 other? 20 A. Huh-uh (negative response). 21 Q. No? 22 A. No, ma'am. 23 MS. COWAN: Anything else, y'all? 24 No? 25 You did well.</p>	<p style="text-align: right;">Page 75</p> <p>1 Q. Did the officers -- what happened at 2 the checkpoint? Did the officers ask for 3 your identification? 4 A. Yes, but I didn't have it on me. 5 Q. So then what happened? 6 A. They asked for my Social Security 7 Number and they wrote it down. 8 Q. And then? 9 A. They ran my name. 10 Q. Have you been through a pedestrian 11 checkpoint another time? 12 A. Possibly, I'm not sure. 13 Q. Have you ever seen pedestrian 14 checkpoints outside of the park where you 15 take your children? 16 A. Yes, that's on Ricks Drive. 17 Q. Okay. Have you been through a 18 pedestrian checkpoint there? 19 A. Yes, I was with my cousin. 20 Q. And what happened? 21 A. They asked for me and his 22 identification. 23 Q. Did you have it? 24 A. Yes. And I showed it to him, I 25 showed my ID to him and my cousin did also.</p>
<p style="text-align: right;">Page 74</p> <p>1 THE WITNESS: Well, I can breathe. 2 MS. COWAN: I don't know. Your 3 attorneys might have some questions for you 4 after. We'll just have to wait. 5 MR. RETHY: Okay. Give us a second. 6 MS. COWAN: Yeah. You want us to 7 leave? 8 MR. RETHY: We can leave. 9 MS. COWAN: Okay. 10 --- 11 (OFF THE RECORD AT 12:10 P.M.) 12 (BACK ON THE RECORD AT 12:15 P.M.) 13 --- 14 (CROSS-EXAMINATION) 15 BY MS. JARRETT: 16 Q. Ms. Brown, I'm just going to ask you 17 a couple questions, okay? 18 A. Yes, ma'am. 19 Q. Have you ever been through a 20 pedestrian checkpoint? 21 A. Yes. 22 Q. When? 23 A. When I was walking from the store. 24 Q. And where was the checkpoint setup? 25 A. In front of Canton Estates.</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. And what did the officer do with 2 your identification? 3 A. They ran our names. 4 Q. When you say they ran your names, 5 what do you mean? 6 A. They did it on the walkie-talkie to 7 the dispatcher. 8 Q. And then did you leave? 9 A. Yes. 10 Q. Have you ever been through any other 11 pedestrian checkpoints? 12 A. Not that I can recall. 13 Q. Do you ever come into pedestrian 14 checkpoints when you are -- where does your 15 mom live? 16 A. She lives on Walnut. 17 Q. Have you ever run into pedestrian 18 checkpoints going to or from your mom's 19 house? 20 A. No. 21 Q. And when you say pedestrian 22 checkpoint, what does that mean to you? 23 A. That if I'm walking through a 24 roadblock and I get stopped, then asked for 25 identification.</p>

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<p style="text-align: right;">Page 77</p> <p>1 Q. Earlier Ms. Cowen asked you if you'd 2 ever been stopped at a roadblock while you 3 were on foot. Have you ever been stopped at 4 a roadblock while you were on foot? 5 A. Yes. 6 Q. Ms. Brown, do you think that the 7 Madison County Sheriff's Department treats 8 the black residents of Madison County 9 differently than the white residents of 10 Madison County? 11 MS. COWAN: Object to the form. 12 Leading. 13 MS. JARRETT: You can answer. 14 A. Yes. 15 BY MS. JARRETT: 16 Q. Okay. 17 MS. JARRETT: Thank you. 18 MS. COWAN: I just have a couple of 19 follow up questions. 20 --- 21 (REDIRECT EXAMINATION) 22 BY MS. COWAN: 23 Q. You were asked what a pedestrian 24 checkpoint is, I believe I heard your 25 testimony and you say that is a roadblock</p>	<p style="text-align: right;">Page 79</p> <p>1 over here. 2 Q. So it's impossible to walk around? 3 A. Yes, because it's a straight and 4 narrow road. 5 Q. And what time of day was this? 6 A. This was like at 6:00 going -- 5:00 7 going on 6:00 I want to say. 8 Q. All right. So let me make sure I 9 understand this. When you talk about what 10 you consider a pedestrian checkpoint, that's 11 when a roadblock has been setup and they're 12 actually ID'ing pedestrians who walk through 13 a roadblock? 14 A. Yes. 15 Q. Okay. 16 MS. COWEN: Hold on. 17 MS. JARRETT: I think we can go off 18 the record. 19 --- 20 (OFF THE RECORD AT 12:17 P.M.) 21 (BACK ON THE RECORD AT 12:18 P.M.) 22 BY MS. COWAN: 23 Q. Ms. Brown, you testified that you 24 think that blacks are treated differently 25 than whites by the Madison County Sheriff's</p>
<p style="text-align: right;">Page 78</p> <p>1 where cars are being stopped going through? 2 A. Roadblock to me is when cars, they 3 checking cars. 4 Q. Okay. 5 A. Pedestrian stops is when you walking 6 through a roadblock. I was walking my kids 7 from the park to my house and they stopped 8 me. But it was a roadblock setup. 9 Q. It was a roadblock where cars -- 10 A. Yes, they were stopping cars before 11 I got to them. 12 Q. Okay. So you walked through the 13 roadblock? 14 A. Yes, to go home. 15 Q. To go home? 16 A. Yes. 17 Q. They asked for your ID? 18 A. Yes. 19 Q. And you had your children with you? 20 A. Yes. 21 Q. Was there any way you could have 22 walked around the roadblock? 23 A. No, because the way we was walking 24 on the side of the road, it was like one 25 officer car over here and one officer car</p>	<p style="text-align: right;">Page 80</p> <p>1 Department. Can you tell me why and how they 2 are? 3 A. Yes, because most of the roadblocks 4 I see or when I'm walking I see roadblocks 5 also, it's mostly in our black communities 6 where most of the black people live. 7 Q. This is roadblocks -- 8 A. Yes. 9 Q. -- vehicle roadblocks? 10 A. Yes. 11 Q. And have you ever checked the 12 posting of the roadblocks that are on the 13 justice court door in the Madison County 14 Justice Court building? 15 A. No, ma'am. 16 Q. And have you ever seen any 17 roadblocks being conducted anywhere else in 18 Madison county? 19 A. Yes. 20 Q. Where would that be? 21 A. Walnut, at the top of Walnut, right 22 there by the highway. 23 Q. Which highway? 24 A. Highway 22. 25 Q. Okay.</p>

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<p style="text-align: right;">Page 81</p> <p>1 A. And New Edition. 2 Q. What is that? 3 A. That's an apartment complex. 4 Q. Where is that? 5 A. It's on Ricks Drive also. 6 Q. When was that? 7 A. Frequently when I used to stay over 8 there in Canton Estates, cause Canton Estate 9 is here in -- I mean, New Edition is the next 10 apartment complex. 11 Q. Is it safe for me to say that since 12 you don't have a driver's license you don't 13 drive that frequently in Madison County? 14 A. No, ma'am. 15 Q. Have you been driving frequently in 16 Madison County without a driver's license? 17 A. Not recently, no. 18 Q. No. All right. So we've got the 19 roadblocks near Canton Estates, we've got 20 Walnut Street, top of the Highway 22, the New 21 Edition. Any other roadblocks that you've 22 observed? 23 A. Yes, Boyd Street. 24 Q. Did you have to go through one of 25 those?</p>	<p style="text-align: right;">Page 83</p> <p>1 BY MS. COWAN: 2 Q. How many roadblocks have you 3 observed within Madison County? You told me 4 about one at Walnut, top of Highway 22; is 5 that right? 6 A. Yes, May Street also. 7 Q. May Street. The New Edition, is 8 that May Street? 9 A. No, that's Ricks Drive. 10 Q. Okay. That's Ricks Drive. 11 A. Canton Estates, MLK, King Ranch. 12 Q. Okay. 13 A. And also Highway 51. 14 Q. Where on Highway 51? 15 A. Right in front of the jailhouse. 16 Q. Okay. And why is it your testimony 17 that a roadblock set up on Highway 51 in 18 front of the jail, the detention center is 19 set up to target blacks? 20 MS. JARRETT: Object to form. 21 A. Cause most of -- 22 MS. COWAN: What's your objection? 23 MS. JARRETT: Ms. Brown testified 24 that a roadblock was set up there. 25 MS. COWAN: Okay.</p>
<p style="text-align: right;">Page 82</p> <p>1 A. No, but I have seen them. 2 Q. Okay. When did you see them? 3 A. Walking to the stores, walking to my 4 sister's house. She stays on Boyd Street, 5 one of my sisters on my dad's side and on 6 MLK. 7 Q. Okay. As I understand it, your 8 testimony today about the Madison County 9 Sheriff's Department treating blacks 10 differently than whites is based on where 11 they set up roadblocks? 12 A. Yes, I think they target blacks. 13 Q. Okay. As I understand it you don't 14 have a driver's license. 15 A. Mm-hmm (affirmative response). Yes, 16 ma'am. 17 Q. And you have told me about four 18 roadblocks that you've seen, is that correct? 19 A. Yes. 20 MS. JARRETT: Object to form. 21 MS. COWAN: What's your objection? 22 MS. JARRETT: It's unclear whether 23 you mean four individual roadblocks or 24 roadblocks set up in four different 25 locations.</p>	<p style="text-align: right;">Page 84</p> <p>1 BY MS. COWAN: 2 Q. Do you feel like the roadblock that 3 was set up on Highway 51 in front of the 4 Madison County Detention Center was set up to 5 target blacks? 6 A. Yes. 7 Q. Tell me why. 8 A. Because I know a lot of folks use 9 that road to go to work and drive back and 10 forth to work. 11 Q. A lot of folks, you mean black 12 folks? 13 A. Yes, a lot of black people. 14 Q. Other than that, I mean, is that 15 just your opinion, you've not seen how many 16 blacks go through, how many whites go 17 through, just your opinion? 18 A. Yes. 19 MS. COWAN: That's all I got. 20 MR. RETHY: All right. So we'll read 21 and sign this. 22 MS. COWAN: Okay. 23 MR. RETHY: We'll take both 24 transcripts for two weeks to determine 25 whether there's anything in here that</p>


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1 warrants designating as confidential.
2 MS. COWAN: On this one?
3 MR. RETHY: On this one and on Mr.
4 Smith's. I'm not trying to mark anything at
5 this moment.
6 MS. COWAN: Did you understand that?
7 THE REPORTER: Yes, ma'am.
8 ---
9 (OFF THE RECORD AT 12:23 P.M.)
10 (WHEREUPON THE ABOVE-ENTITLED DEPOSITION WAS
11 SUSPENDED AT APPROXIMATELY 12:23 P.M.)
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1 CERTIFICATE OF COURT REPORTER
2 I, Tammy McDaniel-Bagnato, Court Reporter and
3 Notary Public, in and for the State of Mississippi,
4 hereby certify that the foregoing contains a true and
5 correct transcript of the testimony of LATOYA BROWN, as
6 taken by me in the aforementioned matter at the time and
7 place heretofore stated, as taken by me and later
8 reduced to typewritten form under my supervision by
9 means of computer-aided transcription.
10 I further certify that under the authority vested
11 in me by the State of Mississippi that the witness was
12 placed under oath by me to truthfully answer all
13 questions in the matter.
14 I further certify that I am not in the employment
15 of or related to any counsel or party in this matter and
16 have no interest, monetary or otherwise, in the final
17 outcome of this matter.
18 Witness my signature and seal, this the 21st day,
19 January, 2018.
20 
21 Tammy McDaniel-Bagnato
22 MY COMMISSION EXPIRES:
23 _____
24
25

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1 CERTIFICATE OF DEPONENT
2 I, LATOYA BROWN, have read the foregoing pages,
3 of the transcript of my deposition given on January 9,
4 2018, and it is true, correct and complete to the best
5 of my knowledge, recollection and belief except for the
6 list of corrections, if any, attached on a separate
7 sheet herewith.
8 Witness my hand, this the _____ day of
9 _____, 2018.
10 _____
11 LATOYA BROWN
12
13 Subscribed and sworn to before me, this the
14 _____ day of _____, 2018.
15
16 _____
17 Notary Public in and for the
18 County of _____
19 State of Mississippi
20 My Commission Expires: _____
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1 DEPOSITION ERRATA SHEET
2 PAGE NO. _____ LINE NO. _____ CHANGE TO: _____
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23 _____
24 SIGNATURE: _____ DATE: _____
25 LATOYA BROWN

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DEPOSITION ERRATA SHEET

PAGE NO. 45 LINE NO. 2 CHANGE TO: "May" into "Mace"

REASON FOR CHANGE: _____

PAGE NO. 63 LINE NO. 6 CHANGE TO: "door" into "store"

REASON FOR CHANGE: _____

PAGE NO. 83 LINE NO. 6 CHANGE TO: "May" into "Mace"

REASON FOR CHANGE: _____

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LATOYA BROWN



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LATOYA BROWN



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CERTIFICATE OF DEPONENT

I, LATOYA BROWN, have read the foregoing pages, of the transcript of my deposition given on January 9, 2018, and it is true, correct and complete to the best of my knowledge, recollection and belief except for the list of corrections, if any, attached on a separate sheet herewith.

Witness my hand, this the 24 day of January, 2018.

Latoya Brown
LATOYA BROWN

Subscribed and sworn to before me, this the 24 day of January, 2018.

Jade Morgan

Notary Public in and for the
County of Hinds
State of Mississippi
My Commission Expires: 11/30/2021



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

LATOYA BROWN; LAWRENCE
BLACKMON; HERBERT ANTHONY
GREEN; KHADAFY MANNING;
QUINNETTA MANNING; MARVIN
MCFIELD; NICHOLAS SINGLETON;
STEVEN SMITH; BESSIE THOMAS; and
BETTY JEAN WILLIAMS TUCKER,
individually and on behalf of a class of all
others similarly situated,

Plaintiffs,

v.

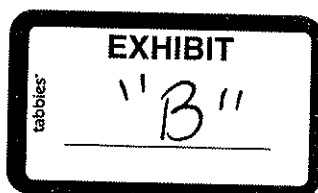
MADISON COUNTY, MISSISSIPPI;
SHERIFF RANDALL S. TUCKER, in his
official capacity; and MADISON COUNTY
SHERIFF'S DEPUTIES JOHN DOES #1
through #6, in their individual capacities,

Defendants.

Civil Action No.
3:17-cv-00347-WHB-LRA

**PLAINTIFF LATOYA BROWN'S
SECOND SUPPLEMENTAL
RESPONSES AND OBJECTIONS
TO DEFENDANTS' FIRST SET
OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Latoya Brown ("Plaintiff" or "Ms. Brown"), by and through her attorneys, hereby submits the following supplemental responses and objections to Interrogatories Nos. 1(a), 8, and 14 of Defendants' First Set of Interrogatories served by Defendants on Plaintiffs on September 22, 2017 (collectively, the "Interrogatories," and each an "Interrogatory"). These responses and objections are hereby designated as Confidential pursuant to the Stipulated Protective Order (Dkt. No. 32), so-ordered by the Court on September 6, 2017 in the above-captioned Action. The Second Supplemental Responses and Objections set forth below are made in further



response to the Interrogatories and supplement the Responses and Objections previously served by Plaintiff.

GENERAL OBJECTIONS

Plaintiff hereby incorporates by reference the General Objections set forth in her Responses and Objections to Defendants' First Set of Interrogatories dated October 20, 2017 and her Supplemental Responses and Objections to Defendants' First Set of Interrogatories dated November 10, 2017. Plaintiff asserts those General Objections as to each Interrogatory, whether or not such objections are repeated below in response to each individual Interrogatory.

**SPECIFIC SECOND SUPPLEMENTAL RESPONSES AND OBJECTIONS
TO INTERROGATORIES NOS. 1(a), 8, AND 14**

Interrogatory No. 8:

Please identify and describe in detail the form and substance of any policy or procedure of the Defendants or the Madison County Sheriff's Department you contend constitutes a policy sanctioning or encouraging unreasonable searches and seizures or racial discrimination. For each such policy, please state:

- (a) the name of the policy;
- (b) the terms of the policy;
- (c) the date it went into effect;

- (d) the means by which it went into effect;
- (e) how you learned of such policy; and
- (f) the name, address, and telephone number of the person who provided it to you.

Supplemental Response to Interrogatory No. 8:

In addition to the General Objections incorporated herein by reference, Plaintiff objects to Interrogatory No. 8 on the grounds that it seeks information already in the possession, custody, or control of or that is known to, equally available to, or solely available to Defendants. Plaintiff further objects to this Interrogatory on the grounds that it seeks information that is protected from disclosure by, or disclosure of which is prohibited or restricted under, any privilege or immunity, including the attorney-client privilege, the work product doctrine, the joint defense privilege, the common interest privilege or any other applicable privilege, immunity or limitation on discovery. Plaintiff also objects to this Interrogatory as vague, overbroad, and unduly burdensome. Plaintiff further objects to this Interrogatory because class certification-related discovery is ongoing and incomplete, and to the extent that this Interrogatory purports to require Plaintiffs to marshal evidence in support of any right or claim. Plaintiff also objects to this Interrogatory as vague, overbroad, and unduly burdensome. Plaintiff further objects to this Interrogatory on the grounds that it requests information regarding counsel's preparation of the case on behalf of the named Plaintiffs and the proposed class, rather than information that is within the personal knowledge of Plaintiff. Any information provided by Plaintiff in response to this Interrogatory is provided subject to and without waiver of these objections and qualifications.

Subject to and without waiver of the foregoing objections, and in addition to the information previously provided by Plaintiff in response to this Interrogatory, Plaintiff states that

policies and procedures of Defendants or the Madison County Sheriff's Department that constitute a policy sanctioning or encouraging unreasonable searches and seizures or racial discrimination include, but are not limited to:

- The Madison County Sheriff's Department's policy, custom, and/or practice of conducting vehicular roadblocks without appropriate procedural safeguards, including (i) roadblocks conducted using unmarked cars, (ii) roadblocks conducted using cars without emergency lighting engaged and/or using flashlights as a primary light source, (iii) roadblocks conducted by plainclothes or undercover officers, including narcotics officers and members of the "NET Team," "Jump Out Detail," and/or "Apartment Detail," (iv) roadblocks conducted in inadequately lit areas, (v) "roving" roadblocks, and (vi) roadblocks at which officers do not stop every car, but instead use their discretion to only stop certain vehicles.
- The Madison County Sheriff's Department's policy, custom, and/or practice of conducting vehicular roadblocks at which officers require persons other than the driver to produce identification or provide other information, or otherwise search or detain persons without reasonable suspicion or probable cause.
- The Madison County Sheriff's Department's policy, custom, and/or practice of conducting vehicular roadblocks at which Madison County Sheriff's Department personnel stop, question, detain, and/or search pedestrians in the vicinity of the roadblock without reasonable suspicion or probable cause and/or on the basis of race.
- The Madison County Sheriff's Department's policy, custom, and/or practice of stopping, questioning, detaining, and/or searching pedestrians travelling through majority-Black areas of Madison County without reasonable suspicion or probable cause and/or on the

basis of race, including as implemented by narcotics officers and members of the “NET Team,” “Jump Out Detail,” and/or “Apartment Detail.”

- The Madison County Sheriff’s Department’s policy, custom, and/or practice of conducting vehicular roadblocks for the purpose of checking for outstanding warrants, including but not limited to as described in the Notices produced at (i) MC T. CHASTAIN LAPTOP 17, (ii) MC MAD. COUNTY MAIN SERVER 1, and (iii) MC – SANDRIDGE DESKTOP 23, as well as the Notice annexed to the Complaint and the incident report produced at Bates numbers MC-RFP-Inc. Rep. 010886-010887.
- The Madison County Sheriff’s Department’s policy, custom, and/or practice of disproportionately conducting traffic stops in majority-Black areas, conducting pretextual traffic stops on the basis of race, and disproportionately issuing citations to and making arrests of Black individuals during traffic stops.
- The Madison County Sheriff’s Department’s policy, custom, and/or practice of discriminatorily arresting, citing, and/or charging Black individuals at higher rates, and/or with greater severity, than white persons engaged in the same or similar conduct.
- The Madison County Sheriff’s Department’s policy, custom, and/or practice of entering the homes of Black residents of Madison County without warrants or other valid legal justification in the course of serving warrants and/or conducting investigations, and of conducting unreasonable and warrantless searches of such premises in connection therewith.
- The Madison County Sheriff’s Department’s deliberate indifference to violations of the Fourth and Fourteenth Amendments by its personnel, as demonstrated by (i) the Madison County Sheriff’s Department’s failure to adequately train, supervise, and/or discipline

officers with respect to unconstitutional policing practices and with respect to officers' exercise of discretion in conducting law enforcement activities, (ii) the Madison County Sheriff's Department's failure to adequately investigate or otherwise respond to citizen complaints, (iii) the Madison County Sheriff's Department's failure to maintain data and/or statistics regarding incidents involving the use of force and the racial composition of persons subject to the Madison County Sheriff's Department's policing activities, and (iv) the Madison County Sheriff's Department's culture of racial discrimination and of explicitly or implicitly condoning, authorizing, and/or acquiescing to racially discriminatory attitudes, statements, and actions by Madison County Sheriff's Department personnel.

The policies, customs, and/or practices described above have been identified through analysis of deposition testimony taken in this Action, documents produced by the parties, and documents received in response to requests made under the Mississippi Public Records Act. Plaintiff's investigation, discovery, and preparation of her case and her legal theories, through counsel, are ongoing, and Plaintiff reserves all rights to identify other policies and/or procedures, to clarify or refine Plaintiff's characterizations of the above-mentioned policies and/or procedures, and/or to rely on other or additional evidence concerning any such policies and/or procedures, including as a result of documentary or testimonial evidence that may be adduced in this Action after the date hereof.

Dated: January 16, 2018

By: /s/ Joshua Tom

Joshua Tom

SIMPSON THACHER & BARTLETT LLP

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FOUNDATION

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Attorneys for Plaintiff

Verification

I hereby declare under penalty of perjury that the responses contained in the foregoing Supplemental Responses and Objections to Interrogatories propounded by Defendants, which were prepared with the assistance of counsel, are true and correct to the best of my knowledge, information, and belief.

A handwritten signature in cursive script, reading "Sabaya Brewer", is written over a horizontal line.